

Council Business Meeting

June 15, 2021

Agenda Item	Second Reading of Ordinance No. 3199 Duplex and Accessory Residential Unit Land Use Code Amendments and Adoption of Findings of Fact and Conclusions of Law	
From	Maria Harris Bill Molnar	Planning Manager Community Development Director
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SUMMARY

The City Council is being asked to take action on second reading of the ordinance amending the duplex and accessory residential unit (ARU) standards to meet the requirements of new state laws and administrative rules included in House Bill (HB) 2001 from the 80th Oregon Legislative Assembly, 2019 Regular Legislative Session. In addition, the City Council is being asked to adopt a findings document which describes the basis for amending the land use code. The City Council held a public hearing and approved first reading of the land use code amendments at the June 1, 2021 meeting. The draft code amendments, meeting materials and reference materials are available on the project web page at www.ashland.or.us/duplexcode.

The primary changes to the land use code for duplexes are that duplexes are permitted in all of the residential zones including the single-family zones, are required to have two on-site parking spaces, and the approval process requires a building permit prior to construction or conversion of an existing structure. The primary changes to the land use code for ARUs are that ARUs do not require on-site parking spaces and the approval process requires a building permit prior to construction or conversion of an existing structure.

The Planning Commission held a public hearing on May 11, 2021 and recommended approval of the attached ordinance amending AMC Title 18 Land Use. The Planning Commission reviewed the Findings of Fact and Conclusions of Law at their May 25, 2021 meeting and recommend approval of the attached findings document. HB 2001 requires medium cities such as Ashland to develop and adopt standards in compliance with the state requirements by June 30, 2021.

POLICIES, PLANS & GOALS SUPPORTED

The *2019-2021 City Council Biennial Goals* identify housing needs as a moderate priority for developing and/or enhancing value services.

The *Ashland Comprehensive Plan* includes a goal in the Housing Element to “ensure a range of different dwelling types that provide living opportunities for the total cross section of Ashland’s population (6.10.01).” Included with this goal are the following applicable policies: “Policy 1: Provide for a mix of housing types that are attractive and affordable to a diversity of ages, incomes, household sizes, and household types,” and “Policy 3: Integrate housing with other compatible land uses through flexible zoning provisions.” The Housing Element includes another goal to “support the creation and preservation of housing that is affordable to low and moderate income households and that is commensurate with the incomes of Ashland’s workforce (6.10.02),” along with the following applicable policy “Policy 14: Provide for minimal off-street parking requirements in locations where it is demonstrated that car ownership rates are low for resident populations in order to help reduce housing costs and increase affordability and where the impact on neighborhoods allow.”

The *Climate and Energy Action Plan (CEAP)* includes an action to “Revise community development plans to favor walkable neighborhoods and infill density. Ashland has a series of long-range planning documents that

guide development across Ashland districts, neighborhoods, and natural areas. Revisiting these plans to ensure that they support climate-ready development needs, such as walking, biking, transit, parking management, and climate adaptation features, will ensure that Ashland development is consistent with the City’s climate goals and commitments. It will be important to ensure that these activities do not come at the expense of higher housing costs, which could disadvantage low-income populations (CEAP ULT-4-2).”

PREVIOUS COUNCIL ACTION

The City Council held a public hearing and approved first reading of the land use code amendments at the June 1, 2021 meeting. The City Council received a project update at the May 17, 2021 study session meeting.

BACKGROUND AND ADDITIONAL INFORMATION

The City Council is being asked to adopt a findings document which describes the basis for amending the land use code. Specifically, the findings document addresses the City of Ashland approval criteria for a legislative amendment in AMC 18.5.9.020.B, the applicable Ashland Comprehensive Plan and other City policies, the Statewide Planning Goals, ORS 197.758 Development of middle housing; local regulations, and OAR Chapter 660, Division 46 Middle Housing in Medium and Large Cities. The findings document is required to be submitted with the land use code amendments to the Oregon Department of Land Conservation and Development (DLCDC).

FISCAL IMPACTS

The review of development proposals and building permits for projects consisting of two residential units is currently part of the work flow for Community Development Department staff. The amendments to the duplex and ARU approval process and development standards are not expected to impact existing workload, but rather anticipated to increase the efficiency of the City’s residential land use review and approval process.

STAFF RECOMMENDATION

Staff recommends adoption of the ordinance amending the duplex and ARU standards, and the findings document as recommended by the Planning Commission.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

A motion for approval of second reading of the ordinance, and for approval of the findings document is included below.

1. Motion for Approval of Ordinance

The attached ordinance reflects the Planning Commission recommendation.

- I move to approve second reading of Ordinance No. 3199, which is titled, “An ordinance amending chapters 18.1.4, 18.2.2, 18.2.3, 18.2.5, 18.3.4, 18.3.5, 18.3.9, 18.3.10, 18.3.12, 18.4.2, 18.4.3, 18.5.2, 18.5.7 and 18.6.1 of the Ashland Land Use Ordinance to amend the allowances and development standards for duplexes and accessory residential units as required by House Bill 2001 from the 80th Oregon Legislative Assembly, 2019 Regular Legislative Session.”

2. Motion for Approval of Findings of Fact

The attached findings document reflects the Planning Commission recommendation.

- I move to approve the Findings of Fact and Conclusions of Law document dated June 15, 2021.

REFERENCES & ATTACHMENTS

Attachment 1: Ordinance No. 3199, an ordinance amending chapters 18.1.4, 18.2.2, 18.2.3, 18.2.5, 18.3.4, 18.3.5, 18.3.9, 18.3.10, 18.3.12, 18.4.2, 18.4.3, 18.5.2, 18.5.7 and 18.6.1 of the Ashland Land Use Ordinance to amend the allowances and development standards for duplexes and accessory residential units as required by House Bill 2001 from the 80th Oregon Legislative Assembly, 2019 Regular Legislative Session.

Attachment 2: Findings of Fact and Conclusions of Law, June 15, 2021

[Record for Planning Action PA-L-2021-00010](#)

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ORDINANCE NO. 3199

**AN ORDINANCE AMENDING CHAPTERS 18.1.4, 18.2.2, 18.2.3, 18.2.5,
18.3.4, 18.3.5, 18.3.9, 18.3.10, 18.3.12, 18.4.2, 18.4.3, 18.5.2, 18.5.7, AND 18.6.1
OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE
ALLOWANCES AND DEVELOPMENT STANDARDS FOR DUPLEXES
AND ACCESSORY RESIDENTIAL UNITS AS REQUIRED BY HOUSE
BILL 2001 FROM THE 80th OREGON LEGISLATIVE ASSEMBLY, 2019
REGULAR LEGISLATIVE SESSION**

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are bold underlined.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass’n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, House Bill (HB) 2001 “relating to housing; creating new provisions; amending ORS197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency” was passed at the 80th Oregon Legislative Assembly, 2019 Regular Session, and became effective on August 8, 2019. HB 2001 requires “medium” cities to amend local land use codes to allow duplexes on residentially zoned lots that allow the development of detached single-family homes. A medium city is defined as with a population of between 10,000 and 25,000, and the 2020 population estimate for Ashland from Portland State University is 21,105. HB 2001 allows cities to regulate the siting and design of duplexes as long as the regulations do not, individually or cumulatively, deter the development of duplexes through unreasonable cost and delay.

1
2 **WHEREAS**, the Land Conservation and Development Commission (LCDC) adopted Chapter
3 660 Division 46 Middle Housing in Medium and Large Cities in July 2020 and the
4 administrative rules became effective on August 7, 2020. The administrative rules provide
5 standards for medium cities for the implementation of the middle housing requirements of HB
6 2001. The administrative rules clarify that siting and design standards that create unreasonable
7 cost and delay include any standards applied to duplex development that are more restrictive than
8 those that are applied to detached single-family dwellings in the same zone.

9
10 **WHEREAS**, the City of Ashland Planning Commission considered the above-referenced
11 recommended amendments to the Ashland Land Use Ordinance at a duly advertised public
12 hearings on May 11, 2021, and following deliberations, recommended approval of the
13 amendments by a vote of 7-0; and

14
15 **WHEREAS**, the City Council of the City of Ashland conducted a duly advertised public hearing
16 on the above-referenced amendments on June 1, 2021; and

17
18 **WHEREAS**, the City Council of the City of Ashland, following the close of the public hearing
19 and record, deliberated and conducted first and second readings approving adoption of the
20 Ordinance in accordance with Article 10 of the Ashland City Charter; and

21
22 **WHEREAS**, the City Council of the City of Ashland has determined that in order to meet the
23 requirements of state law and protect and benefit the health, safety and welfare of existing and
24 future residents of the City, it is necessary to amend the Ashland Land Use Ordinance in the
25 manner proposed, that an adequate factual base exists for the amendments, the amendments are
26 consistent with the Ashland Comprehensive Plan and that such amendments are fully supported
27 by the record of this proceeding.

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30 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

1 **SECTION 1.** Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

2
3 **SECTION 2.** Section 18.1.4.030 [Nonconforming Structures – Nonconforming Situations] of
4 the Ashland Land Use Ordinance is hereby amended to read as follows:

5 **18.1.4.030 Nonconforming Structures**

6 Section 18.1.4.030 regulates nonconforming structures, except for nonconforming structures in
7 Water Resource Protection zones subject to subsection 18.3.11.050.A.3. Nonconforming
8 structures exist on the effective date of adoption or amendment of this ordinance, but could not
9 be built under the terms of the ordinance today; for example, the structure(s) does not comply
10 with current requirements for height and setbacks. If the structure or development was lawful
11 when constructed, it may remain on site so long as it remains otherwise lawful and complies
12 with the following regulations.

13 **A. Exempt Alterations.** A nonconforming structure may be altered as follows, subject to
14 approval of required building permits.

- 15 1. Additions and alterations are permitted if the improvement, evaluated separately from
16 the existing structure, conforms to this ordinance.
- 17 2. Restoration, rehabilitation, repair, and maintenance of a nonconforming structure (e.g.,
18 roof repair, upgrading electrical systems, and similar work) are permitted where all of the
19 following standards are met:
 - 20 a. The structure is not changed in size or shape (i.e., three-dimensional building
21 envelope must not change including but not limited to building footprint, mass,
22 volume, roof shape, and height).
 - 23 b. Not more than 40 percent of any exterior building wall and not more than 50
24 percent of the building floor area is permanently removed; where a larger
25 alteration is proposed, approval of a Conditional Use Permit is required.
 - 26 c. Where temporary or permanent removal of a building wall or floor area is
27 proposed, the owner shall submit with a building permit application a construction
28 management plan that documents existing building conditions, proposed
29 methods of construction, and proposed building plans.
- 30 3. Reconstruction of garages and sheds if the use is not changed and the structure is not
changed in size or shape (i.e., three-dimensional building envelope does not change
including but not limited to building footprint, mass, volume, roof shape, and height).
4. Destruction. A legal nonconforming structure that is damaged by means beyond the
owner's control, such as fire, flood, earthquake, or similar catastrophe, to an extent of 50
percent or more of its replacement cost, may be restored or reconstructed within the
original three-dimensional building envelope (i.e., relative to coverage, height, setbacks,
and other dimensions of the developed area) provided the nonconformity shall not
increase. Any residential structure in a zone where residential uses are allowed that is
damaged beyond 50 percent of its replacement cost by such catastrophe may be

1 reconstructed at the original density, provided a building permit application for the
2 reconstruction is submitted within two years of the catastrophe.

3 **5. Conversion of an existing detached single-family dwelling to a duplex is**
4 **permitted, provided the conversion does not increase the nonconforming**
5 **characteristics of the structure with applicable clear and objective standards (e.g.,**
6 **dimensional standards).**

7 **B. Planning Approval Required.** A nonconforming structure may be altered (i.e.,
8 reconstructed, enlarged, or modified) subject to approval of a Conditional Use Permit under
9 chapter 18.5.4 and approval of required building permits, except that a planning action is not
10 required for exempt alterations described in subsection 18.1.4.030.A, above. A
11 nonconforming structure may be rebuilt pursuant to this subsection, provided in a historic
12 district the applicant must demonstrate that restoration is not practicable.

13 **SECTION 3.** Section 18.2.2.030 [Allowed Uses – Base Zones and Allowed Uses] of the
14 Ashland Land Use Ordinance is hereby amended to read as follows:

15 **18.2.2.030 Allowed Uses**

16 **A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted
17 subject to special use standards, and allowed subject to approval of a conditional use
18 permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not
19 define the use or include it as an example of an allowed use, the City may find that use is
20 allowed, or is not allowed, following the procedures of section 18.1.5.040.

21 **B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as
22 “Permitted (P)” are allowed. Uses listed as “Permitted Subject to Special Use Standards (S)”
23 are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are
24 subject to the development standards of zone in which they are located, any applicable
25 overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.

26 **C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed
27 subject to the requirements of chapter 18.5.4.

28 **D. Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an
29 allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses
30 are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090,
and 18-1.6.100.

31 **E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2,
32 additional land use standards or use restrictions apply within overlay zones. An overlay zone
33 may also provide for exceptions to some standards of the underlying zone. For uses allowed
34 in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City’s
35 overlays zones, refer to part 18.3.

36 **F. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as
37 accessory uses. For information on other uses that are customarily allowed as accessory,
38 please refer to the description of the land use categories in part 18.6 Definitions.

39 **G. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one

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another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

H. Temporary Uses. Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:

1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.
3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.

I. Disclaimer. Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses¹										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family <u>Single-family</u> Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family <u>Single-family</u> standards in Sec. 18.2.5.090 Sec. 18.2.3.130 <u>for dwellings in</u> C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	P S	P S	S	S	P S	N S	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2 <u>Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070</u>
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Duplex- Dwelling	S	PS	PS	PS	NS	NS	S	S	N	Sec. 18.2.3.110 Duplex- Dwelling and <u>Sec. 18.5.2.020.C.2</u> <u>Sec. 18.2.3.130 for dwellings in C-1</u>

¹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
ORDINANCE NO. 3199

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										zone and E-1 zone
										Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
B. Residential Uses² <i>(continued)</i>										
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings in Transit Triangle (TT) overlay, see chapter 18.3.14 Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional Uses										
Airport										See chapter 18.3.7 Airport Overlay

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
ORDINANCE NO. 3199

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition Subject to State licensing requirements
D. Public and Institutional Uses <i>(continued)</i> ³										
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, and similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	N	N	
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	

³ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**
ORDINANCE NO. 3199

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding electrical substations	CU	CU	N	N	CU	CU	P	P	P	Includes public service building, yard, and structures such as public works yards Yards not allowed in the RR, WR, and C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050 In C-1 zone, fuel sales and service is a permitted use provided within the Freeway Overlay, see chapter 18.3.8; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones; fuel sales and service requires CU permit
Automotive Sales and Rental includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Not allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	

1 **Table 18.2.2.030 – Uses Allowed by Zone**

2	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards	
3											
4											
5	E. Commercial Uses (continued)⁴										
6	Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
7											
8											
9											
10											
11	Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
12											
13	Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning Commission may approve a permanent facility through the Type II procedure
14											
15											
16	Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
17	Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
18	Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
19	Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	N	CU	P	
20											
21	Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or
22											

23 ⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
 24 ORDINANCE NO. 3199
 25 Page 10 of 91

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
E. Commercial Uses (continued)⁵										
Office	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18.2.3.070
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
ORDINANCE NO. 3199

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
F. Industrial and Employment Uses										
<i>(continued)</i> ⁶										
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190 See Marijuana Cultivation, Homegrown
Manufacture, Light; excluding saw, planning or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution, includes Marijuana Wholesale	N	N	N	N	N	N	N	S	S	Deliveries and shipments limited to 7AM-9PM within 200 feet of a residential zone In E-1 and M-1 zones, marijuana wholesale is subject to the special use standards in Sec. 18.2.3.190

⁶ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

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Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

1 **SECTION 4.** Section 18.2.3.040 [Accessory Residential Unit – Special Use Standards] of
2 the Ashland Land Use Ordinance is hereby amended as follows:

3 **18.2.3.040 Accessory Residential Unit**

4 Accessory residential units ~~are subject to Site Design Review under chapter 18.5.2,~~
5 ~~except as exempted in subsection 18.2.3.040.A, below~~ are permitted outright with an
6 approved building permit provided the accessory residential unit meets all of the
7 following requirements.

7 A. The accessory residential unit is located in a residential zone including the R-1,
8 R-1-3.5, RR, WR, R-2, R-3, NN, and NM zones.

9 B. One accessory residential unit is allowed per lot, and the maximum number of
10 dwellings shall not exceed two per lot.

11 C. Accessory residential units are not subject to the maximum density or minimum
12 lot area requirements of the zone.

13 D. Accessory residential units shall be included for the purposes of meeting
14 minimum density calculation requirements for the R-2 and R-3 zones in
15 18.2.5.080.C and for residential annexations in 18.5.8.050.F.

16 E. Off-street parking spaces are not required for accessory residential units as
17 specified in the parking ratio requirements in section 18.4.3.040.

18 F. The proposal shall conform to the applicable dimensional standards in chapter
19 18.2.5 Standards for Residential Zones including but not limited to lot coverage,
20 setbacks, and building height.

21 G. Size Requirements

22 1. Single-Family Zones. In the R-1, R-1-3.5, RR, WR, and NN zones, the
23 maximum gross habitable floor area (GHFA) of the accessory residential unit
24 shall not exceed 50 percent of the GHFA of the single-family dwelling located
25 on the same lot, and shall not exceed 1,000 square feet GHFA.

26 2. Multiple Family Zones. In the R-2 and R-3 zones, the maximum gross
27 habitable floor area (GHFA) of the accessory residential structure shall not
28 exceed 50 percent of the GHFA of the single-family dwelling located on the
29 same lot, and shall not exceed 500 square feet GHFA.

30 3. NM Zones. In the North Mountain Neighborhood NM zones, the maximum
gross habitable floor area (GHFA) of the accessory residential unit must not
exceed 750 square feet GHFA and that second story accessory residential
units constructed above a detached accessory building must not exceed 500
square feet GHFA.

~~A. Exemptions. Accessory residential units are permitted outright with an approved~~
~~building permit, and are allowed without a Site Design Review under chapter~~
~~18.5.2 provided that the accessory residential unit meets all of the following~~
~~requirements.~~

- 1 ~~1. The accessory residential unit is located in the R-1, R-1-3.5, RR, NN and NM~~
2 ~~zones. Accessory residential units in the R-2 and R-3 zones require Site~~
3 ~~Design Review under chapter 18.5.2 and are not permitted outright under this~~
4 ~~subsection.~~
- 4 ~~2. The accessory residential unit meets all of the requirements of the applicable~~
5 ~~zone in subsections 18.2.3.040.B, C, E and F, below, except as otherwise~~
6 ~~exempted in subsection 18.2.3.040.A.~~
- 6 ~~3. The size of the accessory residential unit is less than 500 square feet of~~
7 ~~gross habitable floor area (GHFA).~~
- 8 ~~4. The accessory residential unit is attached to the primary residence or within~~
9 ~~an existing primary residence. Accessory residential units located in the~~
10 ~~Historic District overlay and including exterior building changes that require~~
11 ~~a building permit, and accessory residential units located in detached~~
12 ~~structures (i.e., not attached to the primary residence) require Site Design~~
13 ~~Review under chapter 18.5.2 and are not permitted outright under this~~
14 ~~subsection.~~
- 13 ~~5. The property must have two off-street parking spaces, except that parking~~
14 ~~spaces, turn-arounds, and driveways are exempt from the requirements in~~
15 ~~subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection~~
16 ~~18.4.3.080.E.1.~~
- 16 ~~6. Additional off-street parking is not required for the accessory residential unit~~
17 ~~if on-street parking is permitted within 200 feet of the property. Alternatively,~~
18 ~~one off-street parking space may be provided on the property in~~
19 ~~conformance with the off-street parking provisions for accessory residential~~
20 ~~units in section 18.4.3.080.~~
- 20 ~~B. R-1 Zone. Accessory residential units in the R-1 zone shall meet the following~~
21 ~~requirements.~~
- 21 ~~1. One accessory residential unit is allowed per lot, and the maximum number~~
22 ~~of dwelling units shall not exceed two per lot.~~
- 23 ~~2. Accessory residential units are not subject to the density or minimum lot~~
24 ~~area requirements of the zone.~~
- 24 ~~3. The maximum gross habitable floor area (GHFA) of the accessory residential~~
25 ~~unit shall not exceed 50 percent of the GHFA of the primary residence on the~~
26 ~~lot, and shall not exceed 1,000 square feet GHFA.~~
- 26 ~~4. The proposal shall conform to the overall maximum lot coverage and setback~~
27 ~~requirements of the underlying zone.~~
- 28 ~~5. Additional parking shall be provided in conformance with the off-street~~
29 ~~parking provisions for single-family dwellings in section 18.4.3.080, except~~
30 ~~that parking spaces, turn-arounds, and driveways are exempt from the~~
~~requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements~~
~~in subsection 18.4.3.080.E.1.~~

- 1 ~~C. RR Zone. In addition to the standards in subsection 18.2.3.040.B, accessory~~
2 ~~residential units in the RR zone shall meet the following requirements.~~
- 3 ~~1. No on-street parking credits shall be allowed for accessory residential units.~~
4 ~~2. If located in the Wildfire zone, the accessory residential unit shall have a~~
5 ~~residential sprinkler system installed.~~
- 6 ~~D. R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall~~
7 ~~meet the standards in subsection 18.2.3.040.B, except that the maximum gross~~
8 ~~habitable floor area (GHFA) of the accessory residential structure shall not~~
9 ~~exceed 50 percent of the GHFA of the primary residence on the lot, and shall not~~
10 ~~exceed 500 square feet GHFA.~~
- 11 ~~E. NN Zones. Accessory residential units in the Normal Neighborhood District~~
12 ~~under chapter 18.3.4 shall meet the standards in subsection 18.2.3.040.B.~~
- 13 ~~F. NM Zones. Accessory residential units in the North Mountain Neighborhood NM~~
14 ~~zones under chapter 18.3.5 shall meet the standards in subsection 18.2.3.040.B,~~
15 ~~except that the maximum gross habitable floor area (GHFA) of the accessory~~
16 ~~residential unit must not exceed 750 square feet GHFA and that second story~~
17 ~~accessory residential units constructed above a detached accessory building~~
18 ~~must not exceed 500 square feet GHFA.~~

19 **SECTION 5.** Section 18.2.3.090 [Cottage Housing – Special Use Standards] of the
20 Ashland Land Use Ordinance is hereby amended to read as follows:

21 **18.2.3.090 Cottage Housing**

- 22 **A. Purpose and Intent.** The purpose and intent of this chapter is to encourage innovative
23 site planning and variety in housing while ensuring compatibility with established
24 neighborhoods, and to provide opportunities for ownership of small detached single-
25 family dwellings for a population diverse in age, income, and household size. Where
26 cottage housing developments are allowed, they are subject to Site Design Review
27 under chapter 18.5.2, and shall meet all of the following requirements.
- 28 **B. Exceptions and Variances.** Requests to depart from the requirements of this chapter
29 are subject to the approval criteria under section 18.5.2.050.E Exception to the Site
30 Development and Design Standards.
- C. Development Standards.** Cottage housing developments shall meet all of the
following requirements.
1. **Cottage Housing Development Density.** ~~Cottage Housing Density the~~
~~permitted number of units and minimum lot areas shall be as follows.~~
- a. **Density Calculation.** ~~The maximum permitted number of dwellings and~~
~~minimum lot areas for cottage housing developments allowed under this~~
~~section is provided in Table 18.2.3.090.C.1.a. Cottage housing~~
~~developments are not eligible for density bonuses pursuant to subsection~~
~~18.3.9.050.B.~~

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Table 18.2.3.090.C.1.a Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

b. Duplexes. Duplexes are permitted in a cottage housing development if the total number of dwellings in the development is at or below the maximum cottage housing development density in subsection 18.2.3.090.C.1.a, above.

2. Building and Site Design.

- a. *Maximum Floor Area Ratio.* The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.
- b. *Maximum Floor Area.* The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three-unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.
- c. *Height.* Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
- d. *Lot Coverage.* Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.
- e. *Building Separation.* A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.
- f. *Fences.* Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to common open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and

1 side_yards abutting a public street, and on the perimeter of the development
2 shall meet the fence standards of section 18.4.4.060.

- 3 3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the
4 provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site
5 Development and Site Design Standards, cottage housing developments are
6 subject to the following requirements:
- 7 a. *Public Street Dedications.* Except for those street connections identified on the
8 Street Dedication Map, the Commission may reduce or waive the requirement
9 to dedicate and construct a public street as required in 18.4.6.040 upon finding
10 that the cottage housing development meets connectivity and block length
11 standards by providing public access for pedestrians and bicyclists with an
12 alley, shared street, or multi-use path connecting the public street to adjoining
13 properties.
 - 14 b. *Driveways and parking areas.* Driveway and parking areas shall meet the
15 vehicle area design standards of section 18.4.3.
 - 16 i. Parking shall meet the minimum parking ratios per 18.4.3.040.
 - 17 ii. Parking shall be consolidated to minimize the number of parking areas, and
18 shall be located on the cottage housing development property.
 - 19 iii. Off-street parking can be located within an accessory structure such as a
20 multi-auto carport or garage, but such multi-auto structures shall not be
21 attached to individual cottages. Single-car garages and carports may be
22 attached to individual cottages. Uncovered parking is also permitted
23 provided that off street parking is screened in accordance with the
24 applicable landscape and screening standards of chapter 18.4.4.
- 25 4. Common Open Space. Common open space shall meet all of the following
26 standards.
- 27 a. A minimum of 20 percent of the total lot area is required as common open
28 space.
 - 29 b. Common open space(s) shall have no dimension that is less than 20 feet
30 unless otherwise granted an exception by the hearing authority. Connections
between separated common open spaces, not meeting this dimensional
requirement, shall not contribute toward meeting the minimum common open
space area.
 - c. Shall consist of a central space, or series of interconnected spaces.
 - d. Physically constrained areas such as wetlands or steep slopes cannot be
counted towards the common open space requirement.
 - e. At least 50 percent of the cottage units shall abut a common open space.
 - f. The common open space shall be distinguished from the private open spaces
with a walkway, fencing, landscaping, berm, or similar method to provide a
visual boundary around the perimeter of the common area.

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g. Parking areas and driveways do not qualify as common open space.

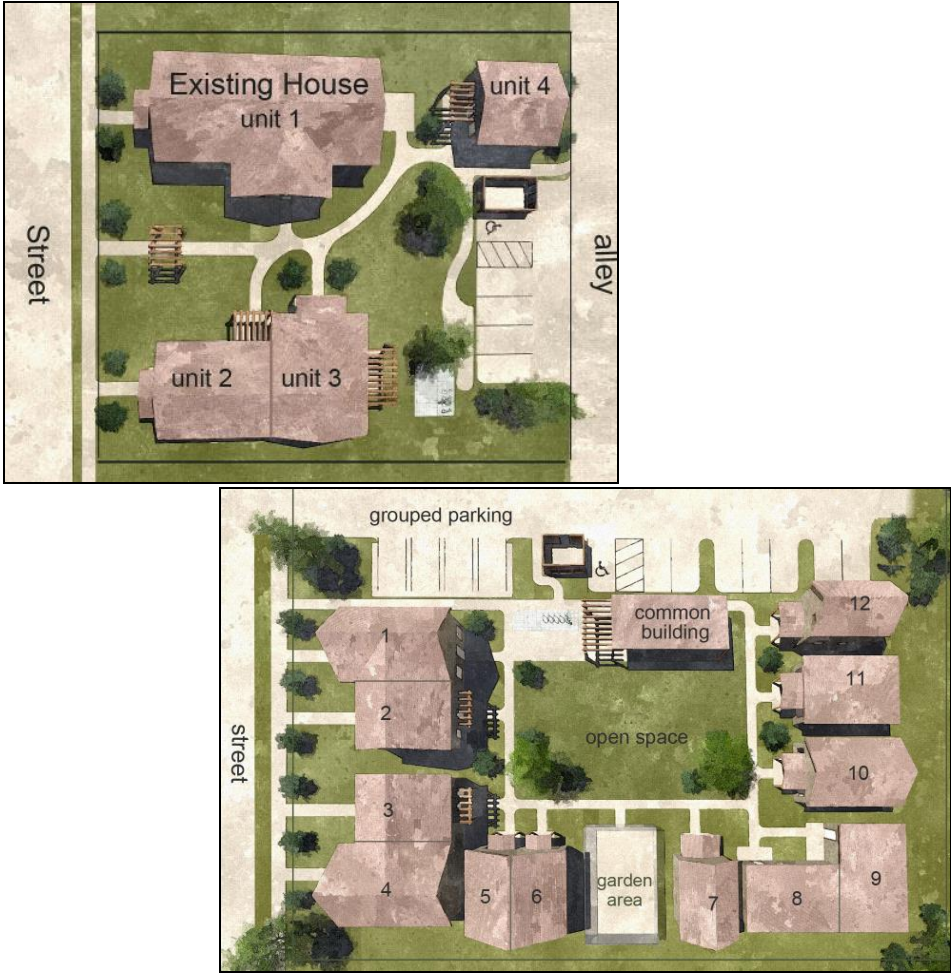


Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

- 5. Private Open Space. Each residential unit in a cottage housing development shall have a private open space. Private open space shall be separate from the common open space to create a sense of separate ownership.
 - a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private open space. Private open space may include gardening areas, patios, or porches.
 - b. No dimension of the private open space shall be less than 8 feet.
- 6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.
 - a. *Common Buildings.* Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be

1 attached to cottages.

- 2 b. *Carports and garage structures.* Consolidated carports or garage structures,
3 provided per 18.2.3.090.C.3.b, are not subject to the area limitations for
4 common buildings.
- 5 c. *Nonconforming Dwelling Units.* An existing single-family residential structure
6 built prior to December 21, 2017 (Ord. 3147), which may be nonconforming
7 with respect to the standards of this chapter, shall be permitted to remain.
8 Existing nonconforming dwelling units shall be included in the maximum
9 permitted cottage density. 1,000 square feet of the habitable floor area of such
10 nonconforming dwellings shall be included in the maximum floor area permitted
11 per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area,
12 and the nonconforming dwelling's habitable floor area in excess of 1,000
13 square feet shall not be included in the maximum floor area ratio.
- 14 d. *Accessory Residential Units.* New accessory residential units (ARUs) are not
15 permitted in cottage housing developments, except that an existing ARU that is
16 accessory to an existing nonconforming single-family **structuredwelling** may
17 be counted as a cottage unit if the property is developed subject to the
18 provisions of this chapter.

14 7. Storm Water and Low-Impact Development.

- 15 a. Developments shall include open space and landscaped features as a
16 component of the project's storm water low impact development techniques
17 including natural filtration and on-site infiltration of storm water.
- 18 b. Low impact development techniques for storm water management shall be
19 used wherever possible. Such techniques may include the use of porous solid
20 surfaces in parking areas and walkways, directing roof drains and parking lot
21 runoff to landscape beds, green or living roofs, and rain barrels.
- 22 c. Cottages shall be located to maximize the infiltration of storm water run-off. In
23 this zone, cottages shall be grouped and parking areas shall be located to
24 preserve as much contiguous, permanently undeveloped open space and
25 native vegetation as reasonably possible when considering all standards in this
26 chapter.

24 8. Restrictions.

- 25 a. The size of a cottage dwelling may not be increased beyond the maximum floor
26 area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the
27 property notifying future property owners of the size restriction.

28 **SECTION 6.** Section 18.2.3.110 [Duplex Dwelling Standards – Special Use Standards] of
29 the Ashland Land Use Ordinance is hereby amended to read as follows:

30 **18.2.3.110 Duplex Dwelling Standards**

1 ~~Duplex dwellings are allowed on corner lots within the R-1 zones in developments~~
2 ~~using the Performance Standards Option under chapter 18.3.9.~~

3 Duplexes are permitted outright with an approved building permit provided the
4 duplex meets all of the following requirements.

5 A. The duplex is located in a residential zone including the R-1, R-1-3.5, RR, WR, R-
6 2, R-3, NN, and NM zones.

7 B. One duplex is allowed per lot and the maximum number of dwellings shall not
8 exceed two per lot.

9 C. Duplexes are not subject to the maximum density or minimum lot area
10 requirements of the zone, except that duplexes in a cottage housing
11 development shall meet the density requirements of subsection 18.2.3.090.C.

12 D. Duplexes shall be included for the purposes of meeting minimum density
13 calculation requirements for the R-2 and R-3 zones in 18.2.5.080.C and for
14 residential annexations in 18.5.8.050.F.

15 E. The proposal shall conform to the applicable dimensional standards in chapter
16 18.2.5 Standards for Residential Zones including but not limited to lot coverage,
17 setbacks, and building height, except that nonconforming structures meeting
18 the requirements of section 18.1.4.030 Nonconforming Structures may be
19 converted to a duplex.

20 F. The property shall have two off-street parking spaces in conformance with the
21 parking ratio requirements in section 18.4.3.040. Parking spaces shall meet the
22 vehicle area design requirements of section 18.4.3.080, except that parking
23 spaces, turn-arounds, and driveways are exempt from the requirements in
24 subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection
25 18.4.3.080.E.1.

26 **SECTION 7.** Section 18.2.5.030 [Standards for Urban Residential Zones – Standards for
27 Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as
28 follows:

29 **18.2.5.030 Unified Standards for Residential Zones**

30 **A. Standards for Urban Residential Zones.** Table 18.2.5.030.A contains standards for
the R-1, R-1-3.5, R-2, and R-3 zones. Standards for the RR and WR zones are
contained in subsections 18.2.5.030.B and 18.2.5.030.C.

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Table 18.2.5.030.A – Standards for Urban Residential Zones¹
(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
Residential Density (dwelling units/acre) - Minimum - Maximum See also Sec. 18.2.5.080, for R-2 and R-3 zones	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	See density standards in Sec. 18.2.5.080	
Lot Area – Minimum (square feet) - Lot	10,000 sf	7,500 sf	5,000 sf, 6,000 sf for corner lots	5,000 sf ¹	See density standards in Sec. 18.2.5.080	
¹ Exception providing for minimum lot area of 3,500 sf in R-1-3.5 zone applies only where the lot contains an existing single-family dwelling that meets setback, density, and lot coverage standards; variances under this section are subject to Type I procedure.						
Lot Width – Minimum (feet)	75 ft ²	65 ft ²	50 ft ²	50 ft ²	50 ft	50 ft
² Width shall not exceed depth						
Lot Depth (feet) - Minimum - Maximum ³	80 ft 150 ft	80 ft 150 ft	80 ft 150 ft	80 ft 250% of width	80 ft 250% of width	80 ft 250% of width
³ Does not apply to Partitions						
Standard Yards – Minimum ⁴ (feet) - Front – Standard, except: - Front – Unenclosed Porch ⁵ - Front – Garage Opening - Side – Standard - Side – Corner Lot Adjacent to Street - Rear – Single-Story Building	15 ft 8 ft 20 ft 6 ft 10 ft 10 ft	15 ft 8 ft 20 ft 6 ft 10 ft 10 ft	15 ft 8 ft 20 ft 6 ft 10 ft 10 ft	15 ft 8 ft 20 ft 6 ft 10 ft 10 ft	15 ft 8 ft 20 ft 6 ft 10 ft 10 ft	15 ft 8 ft 20 ft 6 ft 10 ft 10 ft

Table 18.2.5.030.A – Standards for Urban Residential Zones¹

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
- Rear – Multi-Story Building	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 feet per Half Story
⁴ See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.						
⁵ For setback, or the width of any existing public utility easement, whichever is greater; an unenclosed porch must be no less than 6 feet in depth and 8 feet in width, see section 18.6.1.030 for definition of porch; in the Historic District Overlay unenclosed porch provisions do not apply, and the minimum front yard is 20 ft.						
⁶ Does not apply to a side yard adjacent to an alley.						
Building Separation, On Same Site – Minimum	NA ⁷	NA ⁷	NA ⁷	NA ⁷	½ the height of the tallest building, where building height is measured at the two closest exterior walls; maximum separation required is 12 ft ⁸ (see Figure 18.3.9.070.B)	
⁷ Except as required under chapter 18.3.9 Performance Standards Option.						
⁸ Except as required by building code; accessory structures, accessory residential units, and duplexes are exempt from this requirement and subject to applicable building code requirements.						
Building Height – Maximum ⁹ (feet)	35 ft or 2 ½ stories, whichever is less, except structures within Historic District Overlay shall not exceed 30 ft					35 ft or 2 ½ stories, except up to 50 ft with CU permit approval
⁹ See figure in the definition of “height of building” in section 18.6.1.030.						
Lot Coverage – Maximum ¹⁰ (% of lot area)	40%	45%	50%	55%	65%	75%
¹⁰ A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.						
¹¹ Within Cottage Housing Developments up to 10% of the permitted lot coverage may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum.						
Landscape Area – Minimum (% of developed lot area)	60%	55%	50%	45%	35%	25%

Table 18.2.5.030.A – Standards for Urban Residential Zones¹

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
Open Space - Minimum (% of site area) ¹¹						
¹¹ See chapter 18.3.9 for additional common open space requirements in Performance Standard Options developments.	NA	NA	NA	NA	8%	8%

B. Woodland Residential Zone. Standards for the Woodland Residential (WR) zone follow:

Table 18.2.5.030.B – Standards for Woodland Residential (WR) Zone
(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Minimum Lot Area and Maximum Density	Slope	Min. Lot Size	DU/Acre
<i>Limits on density transfer.</i> All developments, with the exception of partitioning, must be developed under the Performance Standards Option, chapter 18.3.9. Not more than 25% of the density allowed in a WR zone may be transferred to a higher density zone in a Performance Standard Options development.	Less than 40%	2.0	.5
	40 to 50%	2.5	.4
	50 to 60%	5.0	.2
	Over 60%	10.0	.1
	Outside UGB	20.0	.05
Lot Coverage – Maximum ¹ (% of lot area)	7%		
¹ A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.			
Lot Width - Minimum (feet)	100 ft		
Lot Depth - Minimum and Maximum (feet)	150 ft		
Standard Yards – Minimum ² (feet)			
- Front – Standard	20 ft		
- Side – Standard, except:	6 ft		
- Side – Corner-Street/Alley Side	10 ft		
- Rear – Single-Story Building	10 ft		
- Rear – Multi-Story Building	10 ft per Bldg Story		
² See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.			
Maximum Building Height	35 ft or 2 ½ stories, whichever is less.		

C. Rural Residential Zone. Standards for the Rural Residential (RR) zone follow:

Table 18.2.5.030.C – Standards for Rural Residential (RR) Zone (Except as modified under chapter 18.5.5 and Variances or chapter 18.3.9 Performance Standards Option.)		
Minimum Lot Area and Maximum Density ¹ See also 18.2.5.080 Residential Density.	Zone	Min. Lot Size*
	RR-.5	0.5 acre
	RR-1	1 acre
	RR-2.5	2.5 acres
¹ The minimum lot size depends on the topographic nature, service availability, surrounding land uses, and other relevant characteristics of the area.		
Lot Coverage – Maximum (% of lot area) ²	Lot Type	Lot Coverage
	RR-.5	20%
	RR-1	12%
	RR-2.5	7%
² A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.		
Lot Width - Minimum (feet)	100 ft	
Lot Depth - Minimum and Maximum (feet)	150 ft and not more than 300% of width	
Standard Yards – Minimum ³ (feet)		
- Front – Standard	20 ft	
- Side – Standard, except:	6 ft	
- Side – Corner-Street/Alley Side	10 ft	
- Rear – Single-Story Building	10 ft	
- Rear – Multi-Story Building	10 ft per Bldg Story	
³ See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.		
Maximum Building Height	35 ft or 2 ½ stories, whichever is less; except the height of agricultural structures is not limited, when the structure is placed 50 feet or more from all property lines.	

SECTION 8. Section 18.2.5.060 [Yard Exceptions – Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.5.060 Yard Exceptions

A. Front Yard Exceptions.

1. If there are dwellings or accessory buildings on both abutting lots (even if separated by an alley or private way) with front or side yards abutting a public street with less than the required setback for the district, the front yard for the lot need not exceed the average yard of the abutting structures.
2. If there is a dwelling or accessory building on one abutting lot with a front yard of less than the required depth for the district, the front yard need not exceed the average yard of the depth of the abutting lot and the required front yard depth.
3. The front yard may be reduced to ten feet on hillside lots where the terrain has an average steepness equal to or exceeding a one foot rise or fall in four feet of

1 horizontal distance within the entire required yard; vertical rise or fall is measured
2 from the natural ground level at the property.

3 **B. Side and Rear Yard Exceptions for Accessory Buildings, and Accessory**
4 **Residential Units, and Duplexes. The side and rear yards for accessory**
5 **buildings, accessory residential units, and duplexes may be reduced as**
6 **described below provided the structure meets all of the following requirements.**

7 **1. Structure.**

- 8 **a. The structure is not attached to any other buildings or dwellings, and is**
9 **not more and 15 feet in height.**
- 10 **b. If the structure is located on a lot that is not adjacent to an alley, the**
11 **structure is located more than 50 feet from any street.**
- 12 **c. The side and rear yard exceptions in this section may be applied to a**
13 **single detached duplex unit but shall not be applied to both duplex units**
14 **located on one lot, whether the two units are attached or detached.**
- 15 **d. The reduced side or rear yard provision does not apply to the primary**
16 **structure.**
- 17 **e. Automobile parking located in accessory buildings (e.g., garages and**
18 **carports) shall meet the dimensional requirements, including but not**
19 **limited to automobile back-up maneuvering dimensions, in subsection**
20 **18.4.3.080.B.**

21 ~~**42. Yards Abutting an Alley. For accessory buildings and, accessory residential**~~
22 ~~**units that are not attached to any other buildings and not more and 15 feet in**~~
23 ~~**height, t**~~
24 ~~**The side yard abutting an alley may be reduced to three feet and the rear**~~
25 ~~**yard abutting an alley may be reduced to four feet, except that automobile**~~
26 ~~**parking located in an accessory building (e.g., garages and carports) shall**~~
27 ~~**meet the required back-up maneuvering dimensions in subsection**~~
28 ~~**18.4.3.080.B. The reduced side or rear yard provision does not apply to the**~~
29 ~~**primary structure.**~~

30 ~~**23. Other Side and Rear Yards. For accessory buildings that are not attached to**~~
31 ~~**any other building, are not more than 15 feet in height, and are erected more**~~
32 ~~**than 50 feet from any street, t**~~
33 ~~**The side or rear yard may be reduced to three feet,**~~
34 ~~**except when said yard is abutting an alley as provided in subsection**~~
35 ~~**18.2.5.060.B.42, above.**~~

36 **SECTION 9.** Section 18.2.5.070 [Maximum Permitted Residential Floor Area in Historic
37 District – Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby
38 amended to read as follows:

39 **18.2.5.070 Maximum Permitted Residential Floor Area in Historic District**

40 **A. Purpose.** Section 18.2.5.070 regulates floor area of dwellings to promote compatible
building volume and scale in the Historic District.

1 **B. Applicability.** Within residential zones located in the Historic District Overlay, new
 2 structures and additions shall conform to the maximum permitted floor area standards
 of this section, except as provided by 18.2.5.070.C.

3 **C. Increases in Allowable MPFA.** A Conditional Use Permit under chapter 18.5.4 is
 4 required to exceed the MPFA standards of subsections 18.2.5.070.F and
 5 18.2.5.070.G, below. In addition to the approval criteria for a Conditional Use Permit,
 6 the criteria for Historic District Design Standards approval must be met. In no case
 shall the permitted floor area exceed 25 percent of the MPFA.

7 **D. Maximum Permitted Floor Area.** For purposes of this section, maximum permitted
 8 floor area (MPFA) means the gross floor area of ~~the primary a~~ dwelling, including but
 9 not limited to potential living spaces within the structure with at least seven feet of
 head room and attached garages, except as provided by subsection 18.2.5.070.E,
 10 below.

11 **E. Exceptions.** Basements, detached garages, detached accessory structures, **and**
 12 detached accessory residential units, **and detached duplex dwelling units** are not
 13 counted in the gross floor area for the MPFA calculation if separated from the **primary**
 14 **dwelling** ~~single-family dwelling or primary structure~~ by six feet or more. Similarly,
 15 unenclosed breezeways, and similar open structures connecting an exempt detached
 16 structure to the ~~primary dwelling~~ **single-family dwelling or primary structure** are
 not counted in the MPFA calculation. **The exception in this section may be applied**
to a single detached duplex unit but shall not be applied to both duplex units
located on one lot, whether the two units are attached or detached.

17 **F. Calculation and Standards.** Except as modified by subsection 18.2.5.070.G for
 18 multiple dwellings on a lot and residential subdivisions proposed under the
 19 performance standards option, the following formula shall be used to calculate the
 20 MPFA for ~~single family~~ **single-family** dwellings, provided however, that regardless of
 lot size, the MPFA shall not exceed 3,249 square feet:

$$\text{Lot area} \times \text{Adj. Factor [from Table 18.2.5.070(E)]} = \text{Adjusted lot area} \times 0.38 \text{ FAR} = \text{MPFA}$$

21 **Table 18.2.5.070.E: Adjustment Factor Table**

Lot Area	Adj. Factor	Lot Area	Adj. Factor	Lot Area	Adj. Factor	Lot Area	Adj. Factor
0 – 2500	1.20	6501 - 7000	0.88	11001 – 11500	0.66	15501 - 16000	0.55
2501 – 3000	1.16	7001 - 7500	0.85	11501 – 12000	0.64	16001 - 16500	0.54
3001 – 3500	1.12	7501 - 8000	0.82	12001 – 12500	0.62	16501 - 17000	0.53
3501 – 4000	1.08	8001 - 8500	0.79	12501 – 13000	0.61	17001 - 17500	0.52
4001 – 4500	1.04	8501 - 9000	0.77	13001 – 13500	0.60	17501 - 18000	0.51
4501 – 5000	1.00	9001 - 9500	0.75	13501 – 14000	0.59	18001 - 18500	0.50
5001 – 5500	0.97	9501 - 10000	0.73	14001 – 14500	0.58	18501 - 19000	0.49
5501 – 6000	0.94	10001 - 10500	0.71	14501 – 15000	0.57	19001 - 19500	0.48
6001 – 6500	0.91	10501 - 11000	0.68	15001 – 15500	0.56	19500 and greater	0.47

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 30 **G. Multiple Dwellings and Residential Performance Standards Option.** Where
 multiple dwellings are proposed on a single lot, or where a residential subdivision is
 proposed under the Performance Standards Option of chapter 18.3.9, the MPFA shall

1 be determined using the following formula:

2
$$\frac{\text{Lot area} \times \text{Adj. Factor [from Table 18.2.5.070(E)]}}{\text{[from Table 18.2.5.070(F)]}} = \frac{\text{Adjusted lot area} \times \text{Graduated FAR}}{\text{MPFA}}$$

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4 **Table 18.2.5.070.F: Graduated FAR Table**

# units	FAR	# units	FAR	# units	FAR
1	.38	5	.46	9	.54
2	.40	6	.48	10	.56
3	.42	7	.50	11	.58
4	.44	8	.52	>11	.60

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9 **SECTION 10.** Section 18.2.5.080 [Residential Density Calculations in R-2 and R-3 Zones – Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

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11 **18.2.5.080 Residential Density Calculation in R-2 and R-3 Zones**

12 **A. Density Standard.** Except density gained through bonus points under section 18.2.5.080 or chapter 18.3.9 Performance Standards Option and PSO Overlay, development density in the R-2 and R-3 zones shall not exceed the densities established by this section.

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15 **B. Density Calculation.**

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1. Except as specified in the minimum lot area dimensions below, the density in R-2 an R-3 zones shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public, and subject to the exceptions below.
 2. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.
 3. Accessory residential units **and duplexes** are not required to meet the density or minimum lot area requirements of this section. See section 18.2.3.040 for accessory residential unit standards **and section 18.2.3.110 for duplex standards.**

24 **C. Minimum Density.**

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1. The minimum density shall be 80 percent of the calculated base density.
 2. Exceptions to minimum density standards. The following lots are totally or partially exempt from minimum density standards.
 - a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
 - b. Lots located within any Historic District designated within the Ashland Municipal Code.
 - c. Lots with existing or proposed conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the

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minimum base density standard.

- d. Where a lot is occupied by a single-family residence prior to January 9, 2005 (Ord. 2914), the single-family residence may be enlarged or reconstructed without being subject to the minimum base density standard.
- e. In the event that a fire or natural hazard destroys a single-family residence, such residence may be replaced without being subject to the minimum base density standard.
- f. Where floodplains, streams, land drainages, wetlands, and/or steep slopes exist upon the lot an exception to minimum density requirements may be obtained to better meet the standards of chapter 18.3.10 Physical and Environmental Constraints Overlay.
- g. A lot that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.

D. Base Densities and Minimum Lot Dimensions.

1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:
 - a. Minimum lot area for one or two dwellings shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units and section 18.2.3.110 for duplexes.
 - ~~b. Minimum lot area for two units shall be 7,000 square feet.~~
 - eb. Minimum lot area for three unitsdwellings shall be 9,000 square feet, except that the residential density bonus in subsection 18.2.5.080.F, below, may be used to increase density of lots greater than 8,000 square feet up to three unitsdwellings.
 - dc. For more than three unitsdwellings, the base density shall be 13.5 dwelling units per acre. The permitted base density shall be increased by the percentage gained through the residential density bonus is subsection 18.2.5.080.F.
2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:
 - a. Minimum lot area for one or two unitdwellings shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units and section 18.2.3.110 for duplexes.
 - ~~b. Minimum lot area for two units shall be 6,500 square feet.~~
 - ~~c. Minimum lot area for three units shall be 8,000 square feet.~~
 - d. For three or more ~~than three~~ unitsdwellings, the base density shall be 20 dwelling units per acre. The permitted base density shall be increased by the percentage gained through the residential density bonus is subsection 18.2.5.080.F, below.

1 ~~E. Exceptions. An accessory residential unit is not required to meet density or~~
2 ~~minimum lot area requirements per section 18.2.3.040110.~~

3 **FE Residential Density Bonus.**

- 4 1. Density Bonus Points Authorized. Except as allowed under chapter 18.3.9
5 Performance Standards Option and PSO Overlay, the permitted base density shall
6 be increased only pursuant to this section.
- 7 2. Maximum Density Bonus Points. The total maximum bonus permitted shall be 60
8 percent.
- 9 3. Density Bonus Point Criteria. The following bonuses shall be awarded:
- 10 a. *Conservation Housing.* The maximum bonus for conservation housing is 15
11 percent. One hundred percent of the homes or residential units approved for
12 development, after density bonus point calculations, shall meet the minimum
13 requirements for certification as an Earth Advantage home, as approved by the
14 Conservation Division under the City's Earth Advantage program as adopted
15 by resolution 2006-6.
- 16 b. *Common Open Space.* The maximum bonus for provision of common open
17 space is ten percent. A one percent bonus shall be awarded for each one
18 percent of the total project area in common open space in excess of any
19 common or private open space required by section 18.4.4.070 and this
20 ordinance. The common open space shall meet the standards in section
21 18.4.4.070.
- 22 c. *Affordable Housing.* The maximum bonus for affordable housing is 35 percent.
23 Developments shall receive a density bonus of two units for each affordable
24 housing unit provided. Affordable housing bonus shall be for residential units
25 that are guaranteed affordable in accord with the standards of section
26 18.2.5.050.

27 **SECTION 11.** Section 18.2.5.090 [Standards for Single-Family Dwellings – Standards for
28 Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as
29 follows:

30 **18.2.5.090 Standards for Single-Family Dwellings and Duplexes**

- 31 **A.** The following standards apply to new single-family dwellings **and duplexes**
32 constructed in the R-1, R-1-3.5, R-2, and R-3 zones; the standards do not apply to
33 dwellings in the WR or RR zones.
- 34 **B.** Single-family dwellings **and duplexes** subject to this section shall utilize at least two of
35 the following design features to provide visual relief along the front of the residence:
- 36 1. Dormers
 - 37 2. Gables
 - 38 3. Recessed entries

- 1 4. Covered porch entries
- 2 5. Cupolas
- 3 6. Pillars or posts
- 4 7. Bay window (min. 12" projection)
- 5 8. Eaves (min. 6" projection)
- 6 9. Off-sets in building face or roof (min. 16")

7
8 **SECTION 12.** Section 18.3.4.040 [Use Regulations – Normal Neighborhood District] of
9 the Ashland Land Use Ordinance is hereby amended to read as follows:

10 **18.3.4.040 Use Regulations**

11 **A. Plan Overlay Zones.** There are four Land Use Designation Overlays zones within the
12 Normal Neighborhood Plan are intended to accommodate a variety of housing
13 opportunities, preserve natural areas and provide open space.

- 14 1. Plan NN-1-5 zone. The use regulations and development standards are intended
15 to create, maintain and promote ~~single dwelling a single-family dwelling~~
16 neighborhood character. A variety of housing types are allowed, in addition to the
17 detached single dwelling. Development standards that are largely the same as
18 those for single dwellings ensure that the overall image and character of the ~~single~~
19 ~~dwellings~~~~single-family dwelling~~ neighborhood is maintained.
- 20 2. Plan NN-1-3.5 zone. The use regulations and development standards are
21 intended to create, maintain and promote ~~single dwelling single-family dwelling~~
22 neighborhood character. A variety of housing types are allowed including multiple
23 compact attached and/or detached dwellings. Dwellings may be grouped around
24 common open space promoting a scale and character compatible with single-
25 family homes. Development standards that are largely the same as those for
26 ~~single dwellings~~~~single-family dwellings~~ ensure that the overall image and
27 character of the ~~single dwellings~~~~single-family dwelling~~ neighborhood is
28 maintained.
- 29 3. Plan NN-1-3.5-C zone. The use regulations and development standards are
30 intended to provide housing opportunities for individual households through
development of multiple compact attached and/or detached dwellings with the
added allowance for neighborhood-serving commercial mixed-uses so that many
of the activities of daily living can occur within the Normal Neighborhood. The
public streets within the vicinity of the NN-1-3.5-C overlay are to provide sufficient
on-street parking to accommodate ground floor neighborhood business uses.
4. Plan NN-2 zone. The use regulations and development standards are intended to
create and maintain a range of housing choices, including ~~multi-family~~~~multifamily~~
housing within the context of the residential character of the Normal-Neighborhood
Plan.

~~**B. Normal Neighborhood Plan Residential Building Types. The development**~~

standards for the Normal Neighborhood Plan will preserve neighborhood character by incorporating four distinct land use overlay areas with different concentrations of varying housing types.

- ~~1. Single Dwelling Residential Unit. A Single Dwelling Residential Unit is a detached residential building that contains a single dwelling with self-contained living facilities on one lot. It is separated from adjacent dwellings by private open space in the form of side yards and backyards, and set back from the public street or common green by a front yard. Auto parking is generally on the same lot in a garage, carport, or uncovered area. The garage may be detached or attached to the dwelling structure.~~
- ~~2. Accessory Residential Unit. An Accessory Residential Unit is a secondary dwelling unit on a lot, either attached to the single-family dwelling or in a detached building located on the same lot with a single-family dwelling, and having an independent means of entry.~~
- ~~3. Double Dwelling Residential Unit (Duplex). A Double Dwelling Residential Unit is a residential building that contains two dwellings located on a single lot, each with self-contained living facilities. Double Dwelling Residential Units Duplexes must share a common wall or a common floor/ceiling and are similar to a Single Dwelling Unit in appearance, height, massing, and lot placement.~~
- ~~4. Attached Residential Unit (Townhome, Row house). An Attached Residential Unit is single dwelling located on an individual lot which is attached along one or both sidewalls to an adjacent dwelling unit. The dwelling unit may be set back from the public street or common green by a front yard.~~
- ~~5. Clustered Residential Units – Pedestrian-Oriented. Pedestrian-Oriented Clustered Residential Units are multiple dwellings grouped around common open space that promote a scale and character compatible with single-family homes. Units are typically arranged around a central common green under communal ownership. Auto parking is generally grouped in a shared surface area or areas.~~
- ~~6. Multiple Dwelling Residential Unit. Multiple Dwelling Residential Units are multiple dwellings that occupy a single building or multiple buildings on a single lot. Dwellings may take the form of condominiums or apartments. Auto parking is generally provided in a shared parking area or structured parking facility.~~
- ~~7. Cottage Housing. Cottage Housing Units are small dwellings in developments approved in accordance with the standards in 18.2.3.090.~~

CB. Allowed Uses.

1. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use,

the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

- a. *Permitted Uses.* Uses listed as “Permitted (P)” are allowed.
 - b. *Permitted Subject to Special Use Standards.* Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to chapter 18.2.3 Special Use Standards.
 - c. *Conditional Uses.* Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
 - d. *Prohibited Uses.* Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.
2. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.
 3. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone ¹⁰	Normal Neighborhood District Zones ¹¹			
	NN-1-5	NN-1-3.5	NN-1-3.5-C	NN-2
A. Residential Uses				
Single Dwelling Residential Unit (Single Family Dwelling) <u>Single-family Dwelling</u>	P	P	N	N
Accessory Residential Unit, see Sec. 18.2.3.040	P or S	P or S	P or S	N
Double Dwelling Residential Unit (Duplex Dwelling) <u>Duplex</u>	NP	P	P	P
Cottage Housing	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling) <u>Multifamily Dwelling</u>	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
B. Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P

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Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone ¹⁰	Normal Neighborhood District Zones ¹¹			
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open space and Recreational Facilities	P	P	P	P

P = Permitted Use; S = Permitted with Special Use Standards; C = Conditional Use Permit Required; N = Not Allowed.

SECTION 13. Section 18.3.4.050 [Dimensional Regulations – Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.050 Dimensional Regulations

A. The lot and building dimensions shall conform to the standards in Table 18.3.4.050 below.

Table 18.3.4.050 Dimensional Standards	NN-1-5	NN-1-3.5 NN-1-3.5C	NN-2
Base density, dwelling units per acre	4.5	7.2	13.5
Minimum Lot Area ¹ , square feet (applies to lots created by partitions only)	5,000	3500	3000
Minimum Lot Depth ¹ , feet (applies to lots created by partitions only)	80	80	80
Minimum Lot Width ¹ , feet (applies to lots created by partitions only)	50	35	25
Setbacks and yards (feet)			

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Table 18.3.4.050 Dimensional Standards	NN-1-5	NN-1-3.5 NN-1-3.5C	NN-2
Minimum Front Yard abutting a street	15	15	15
Minimum Front Yard to a garage facing a public street, feet	20	20	20
Minimum Front Yard to unenclosed front porch, feet	8 ²	8 ²	8 ²
Minimum Side Yard	6	6 0 ³	6 0 ³
Minimum Side Yard abutting a public street	10	10	10
Minimum Rear Yard	10 ft per Bldg Story, 5 feet per Half Story		
Solar Access	Setback and yard requirements shall conform to the Solar Access standards of chapter 18.4.8		
Maximum Building Height, feet / stories	35 / 2.5	35 / 2.5	35 / 2.5
Maximum Lot Coverage, percentage of lot	50%	55%	65%
Minimum Required Landscaping, percentage of lot	50%	45%	35%
Parking	See section 18.4.3.080 Vehicle Area Design Requirements		
Minimum Outdoor Recreation Space,	na	na	8%

¹ Minimum Lot Area, Depth, and Width requirements do not apply in performance standards subdivisions.

² Minimum Front Yard to an unenclosed front porch (Feet), or the width of any existing public utility easement, whichever is greater; an unenclosed porch must be no less than 6 feet in depth and 8 feet in width, see section 18.6.1.030 for definition of porch.

³ Minimum Side Yard for Attached Residential Units (Feet)

B. Density Standards. Development density in the Normal Neighborhood shall not exceed the densities established by Table 18.3.4.050, except where granted a density bonus under chapter 18.3.9. Performance Standards Options and consistent with the following requirements:-

1. General Density Provisions.

- a. The density in NN-1-5, NN-1-3.5, NN-1-3.5-C, and NN-2 zones is to be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public.
- b. Conservation Areas including wetlands, floodplain corridor lands, and water resource protection zones may be excluded from the acreage of the project for the purposes of calculating minimum density for residential annexations as described in section 18.5.8.050.F.
- c. Units less than 500 square feet of gross habitable area shall count as 0.75

1 units for the purposes of density calculations.

2 ~~**d. Accessory residential units consistent with standards described in**~~
3 ~~**section 18.2.3.040 are not required to meet density or minimum lot area**~~
4 ~~**requirements.**~~

5 ~~**e. Accessory residential units shall be included for the purposes of meeting**~~
6 ~~**minimum density calculation requirements for residential annexations as**~~
7 ~~**described in 18.5.8.050.F.**~~

8 2. Residential Density Bonuses.

9 a. The maximum residential density bonuses permitted shall be as described in
10 section 18.2.5.080.F.

11 ~~**b. Cottage Housing. [Reserved]**~~

12 **SECTION 14.** Section 18.3.5.050 [Uses Allowed in North Mountain Neighborhood Zones
13 – North Mountain Neighborhood] of the Ashland Land Use Ordinance is hereby amended
14 to read as follows:

15 **18.3.5.050 Allowed Uses**

16 **A. Uses Allowed in North Mountain Neighborhood Zones.** Allowed uses include those
17 that are permitted, permitted subject to special use standards, and allowed subject to a
18 conditional use permit. Where Table 18.3.5.050 does not list a specific use and part
19 18.6 does not define the use or include it as an example of an allowed use, the City
20 may find that use is allowed, or is not allowed, following the procedures of section
21 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in
22 which they are located, any applicable overlay zone(s), and the review procedures of
23 part 18.5. See section 18.5.1.020 Determination of Review Procedure.

24 1. Permitted Uses. Uses listed as “Permitted (P)” are allowed.

25 2. Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to
26 Special Use Standards (S)” are allowed, provided they conform to subsection
27 18.3.5.050.D and chapter 18.2.3 Special Use Standards.

28 3. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are
29 allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.

30 4. Prohibited Uses. Uses not listed in Table 18.3.5.050, and not found to be similar to
an allowed use following the procedures of section 18.1.5.040 Similar Uses, are
prohibited.

B. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2
Base Zones, additional land use standards or use restrictions apply within overlay
zones. An overlay zone may also provide for exceptions to some standards of the
underlying zone.

C. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with
one another, in the same structure or on the same site, provided all applicable
development standards and building code requirements are met.

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Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone²					
	North Mountain Neighborhood Zones ³				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.060	P	P	P	P	N
Accessory Residential Units, see Sec. 18.2.3.040	<u>P-or-S</u>	<u>P-or S</u>	<u>P-or S</u>	<u>PS</u>	N
Cottage Housing	S	S	N	N	N
<u>Duplexes see Sec. 18.2.3.110</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
C. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
D. Industrial					
Manufacturing, Light	N	N	N	S	N

² Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

³ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

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D. Special Use Standards. The uses listed as “Permitted with Special Use Standards (S)” in Table 18.3.5.050, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Accessory Residential Units. Subject to the standards in section 18.2.3.040.
2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden space.
3. Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.
4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.
5. Community Services.
 - a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
 - b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.
6. Manufacturing, Light.
 - a. The light manufacturing use shall occupy 600 square feet or less.
 - b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.
7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.
8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.
9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.
10. Religious Institution, Houses of Worship. The same use cannot be located on a contiguous property, and there must be no more than two such uses in a given zone.
11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area.
12. Cottage Housing. Subject to the standards in section 18.2.3.090.
- 13. Duplexes. Subject to the standards in section 18.2.3.110.**

SECTION 15. Section 18.3.5.060 [Dimensional Standards – North Mountain Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.060 Dimensional Standards

Table 18.3.5.060 contains lot and development standards, including density, minimum dimensions, area, coverage, structure height and other provisions that control the intensity, scale, and location of development for the NM-R-1-7.5, NM-R-1-5, NM-MF, and NM-C.

Table 18.3.5.060 North Mountain Neighborhood Dimensional Standards				
	North Mountain Neighborhood Zones ¹			
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C
Residential Density (dwelling units/acre) ¹	3.6 du/ac	5 du/ac	12 du/ac	20 du/ac
¹ Density is computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the answer shall not apply towards the total density, except that units less than 500 square feet gross habitable floor area shall count as .75 units in the NM-MF and NM-C zones. Accessory residential units and duplexes are not subject to the density requirements of the zone in the NM-R-1-7.5 and NM-R-1-5 zones, see sections 18.2.3.040 and 18.2.3.110.				
Standard Yards – Minimum (feet)				
Front – Standard	10 ft minimum/ 25 ft maximum	10 ft minimum/ 25 ft maximum	10 ft minimum/ 25 ft maximum	No minimum yard requirements, except as required for parking, landscaping and building design requirement in chapters <u>18.4.2</u> , <u>18.4.3</u> , and <u>18.4.4</u> .
Front – Unenclosed Porch	5 ft	5 ft	5 ft	
Front – - Garage ²	15 ft from building face / 20 ft from sidewalk	15 ft from building face / 20 ft from sidewalk	15 ft from building face / 20 ft from sidewalk	
Side – Standard ³	5 ft per building story	5 ft per building story	5 ft per building story	
Side – Adjacent to Street	10 ft	10 ft	10 ft	
Side – Single-Story, Detached Garage and Accessory Buildings ⁴	3 ft	3 ft	3 ft	
Rear – Standard	10 ft per building story	10 ft per building story	10 ft per building story	
Rear – Upper Floor Dormer Space	15 ft	15 ft	15 ft	
Rear - Single-Story, Detached Garage and Accessory Buildings Adjacent to Alley	4 ft	4 ft	4 ft	
Rear – Two-Story Accessory Buildings Adjacent to Alley	4 ft	4 ft	4 ft	
² No greater than 50 percent of the total lineal building façade facing the street can consist of garage, carport, or other covered parking space.				
³ No additional side yard is required for half-stories and upper floor dormer space.				
⁴ No side yard is required for accessory buildings sharing a common wall.				
Solar Access	Solar access setback required pursuant to chapter 18.4.8 Solar Access.			No solar access

¹ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

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Table 18.3.5.060 North Mountain Neighborhood Dimensional Standards				
	North Mountain Neighborhood Zones ¹			
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C
				setback required.
Lot Coverage – Maximum (% of lot area)	45%	50%	75%	80%

¹ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

SECTION 16. Section 18.3.5.100 [Site Development and Design Standards – North Mountain Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.100 Site Development and Design Standards

A. Housing. The following design standards apply to residential developments. While the standards are specific, the intent is not to limit innovative design, but rather provide a framework for clear direction and minimum standards.

1. Architectural Design. The street-facing elevations of residential buildings shall be broken with reveals, recesses, trim elements, and other architectural features to avoid the appearance of a blank wall as illustrated in Figure 18.3.5.100.A.1. In addition, at least two of the following design features must be provided along the front of each residence.
 - a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries
 - e. Cupolas
 - f. Pillars or Posts
 - g. Bay window (min. 12-inch projection)
 - h. Eaves (min. six-inch projection)
 - i. Off-sets in building face or roof (min. 16 inches)

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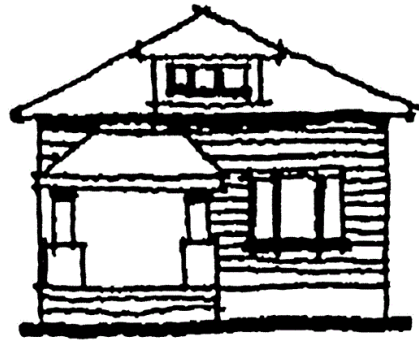


Figure 18.3.5.100.A.1
Architectural Design

2. Orientation. Dwellings shall be designed with a primary elevation oriented towards a street. Such elevation shall have a front door, framed by a simple porch or portico, porch, or other design feature clearly visible from the street to promote natural surveillance of the street as illustrated in Figure 18.3.5.100.A.2.



Figure 18.3.5.100.A.2
Orientation

3. Repetitive Elevations. Excessive repetition of identical floor plans and elevations shall be discouraged. See Figure 18.3.5.100.A.3.a and Figure 18.3.5.100.A.3.b.

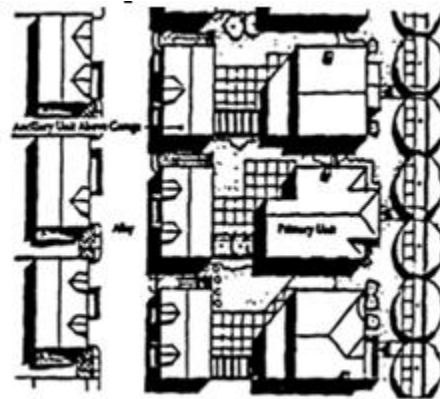


Figure 18.3.5.100.A.3.a
Varied Floor Plans

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Figure 18.3.5.100.A.3.b
Varied Elevations

4. Supplemental Setback Requirements for Garages and Accessory Structures. In addition to the setback requirements of sections 18.3.5.060, the following garage and accessory structure setbacks are required, in order to promote an attractive streetscape where garages and accessory structures are visually subordinate to **primary dwellings single-family dwellings or primary structures.**
- a. Where no alleys are present, garages shall be located a minimum of 15 feet behind the primary façade and a minimum of 20 feet from the sidewalk. See Figure 18.3.5.100.A.4.a.

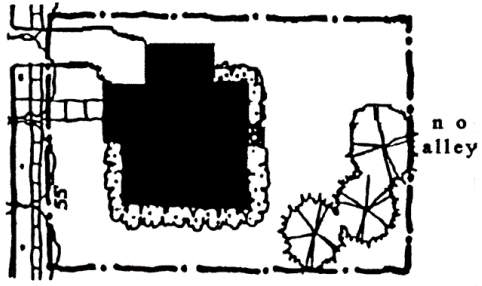


Figure 18.3.5.100.A.4.a
Garage Setbacks/No Alley

- b. Garages and accessory structures adjacent to an internal property line (i.e., neighbor's residence) shall maintain a minimum first floor side yard setback of four feet and a second floor setback of six feet, excluding dormers. See Figure 18.3.5.100.A.4.b.

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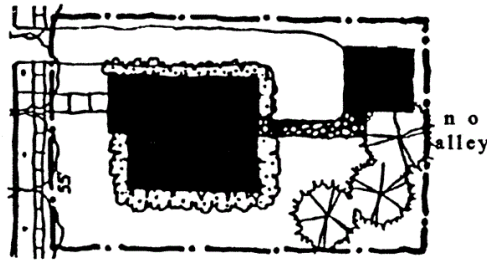


Figure 18.3.5.100.A.4.b
Garage Setbacks/No Alley

- c. No side yard setback is required where garages adjoin along a common property line.
- d. Garage or accessory structures, including accessory residential units, fronting and or accessed from the alley shall have a minimum rear yard setback of four feet. See Figure 18.3.5.100.A.4.d.

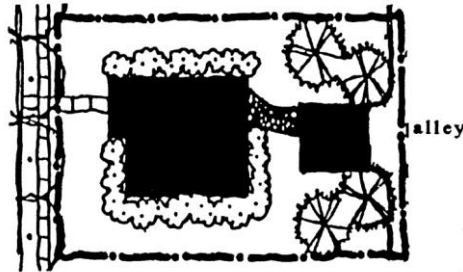


Figure 18.3.5.100.A.4.d
Garage Setbacks/Alley

- e. The maximum allowed width of a garage opening is 22 feet. Expansion of the garage's depth is allowed should be considered for additional storage needs.
 - f. Common wall garages (i.e., adjacent garage openings), and dwellings with more than one garage openings, where the total width of adjacent garage openings exceeds 22 feet, shall have at least one garage opening recessed behind the other(s) by not less than three feet.
5. Terracing. Grading for new homes and accessory structures shall be minimized and building designs shall respond to the natural grade, to the extent practicable, pursuant to the following standards.
- a. Terracing should be incorporated into the design of each lot's development, as illustrated in Figure 18.3.5.100.A.5.a. Terraces help ease transition between the public and private space.

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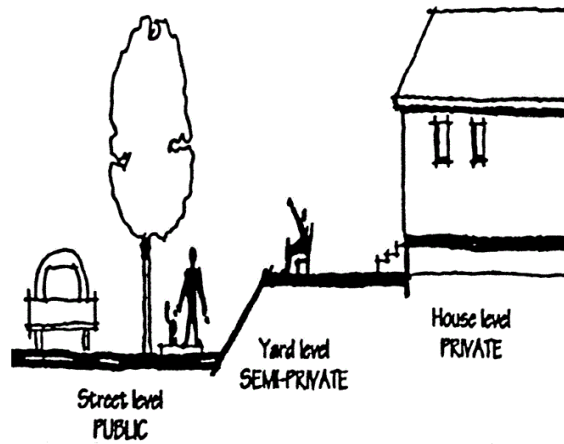


Figure 18.3.5.100.A.5.a
Terraces

- b. In determining whether grading is minimized and building designs are practicable, this standard shall not be interpreted so as to preclude permitted housing at planned densities.
- 6. Porches. Where practicable, porches shall be incorporated into building designs within the North Mountain Neighborhood, in order to promote a sense of place, socialization, and natural surveillance of the street, as illustrated in Figure 18.3.5.100.A.6.a. Porches shall be a minimum of six feet in depth and eight feet in width, as illustrated in Figure 18.3.5.100.A.6.b - deep enough to allow a person to stand while the door is opening and large enough to allow at least one person to sit facing the street. Porches with dimensions less than six feet in depth and eight feet in width are often used as storage areas for bike, barbecues, etc., and do not realistically function as outdoor rooms.



Figure 18.3.5.100.A.6.a
Street with Front Porches

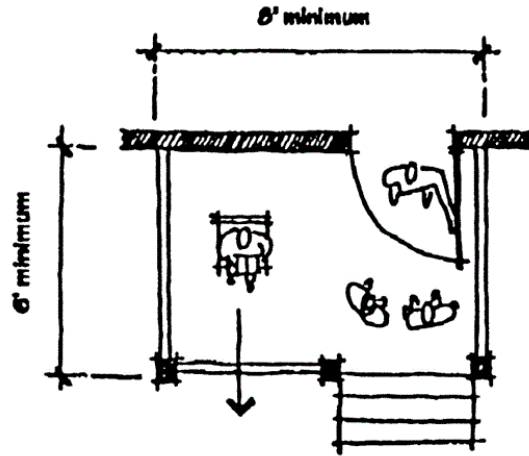


Figure 18.3.5.100.A.6.b
Porch Dimensions

7. Driveways. In order to minimize impervious surfaces, increase opportunities for on-street parking and street trees, and provide a visually attractive streetscape that comfortably accommodates pedestrians, driveways for **single dwellingsone dwelling and duplexes** shall be no greater than nine feet wide, measured at the sidewalk. Where no alley is present and garages for multiple dwellings share a common wall (e.g., townhomes), a common driveway 12 feet in width may be used but shall serve as a shared drive for paired garages. See Figure 18.3.5.100.A.7.

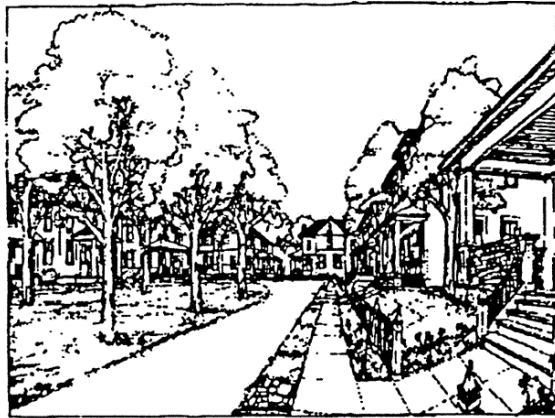


Figure 18.3.5.100.A.7
Benefits of Narrow Driveways on Streetscape

8. ~~Accessory Residential Units. When a detached accessory dwelling unit is adjacent to a residential property, the unit shall meet the following standards. See Figure 18.3.5.100.A.8.~~
- a. ~~Incorporate considerate design and placement into the development of accessory residential units.~~
 - b. ~~A visual buffer shall be provided using window placement, a sight obscuring fence and/or vegetation.~~
 - c. ~~Within five feet of a side property line, the second floor area of the unit~~

1 ~~shall be staggered and step-back an additional five feet or contain other~~
2 ~~detailing, in order to break up the mass of the building. With the addition~~
3 ~~of a dormer, this standard can be met without the step-back or reduced~~
4 ~~floor area.~~



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12 **Figure 18.3.5.100.A.8**
13 **Accessory Residential Units Along Alley**
14 **(delete graphic above)**

15
16 **SECTION 17.** Section 18.3.9.050 [Performance Standards for Residential Developments –
17 Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is
18 hereby amended to read as follows:

19 **18.3.9.050 Performance Standards for Residential Developments**

20 **A. Base Densities.** The density of the development shall not exceed the density
21 established by this section. The density shall be computed by dividing the total number
22 of dwelling units by the acreage of the project, including land dedicated to the public.
23 Fractional portions of the final answer, after bonus point calculations, shall not apply
24 towards the total density. Accessory residential units **and duplexes** are not required
25 to meet the density requirements of this chapter in accordance with sections
26 18.2.3.040 **and 18.2.3.110.**

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1. The base density, for purposes of determining density bonuses allowed under this section, for developments other than cottage housing, is as provided in Table 18.3.9.050.

Table 18.3.9.050.A.1 Base Densities for Determining Allowable Density Bonus with Performance Standards Option	
Zone	Allowable Density (dwelling units per acre)
WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre

Table 18.3.9.050.A.1 Base Densities for Determining Allowable Density Bonus with Performance Standards Option	
RR-5	1.2 du/acre
R-1-10	2.40 du/acre
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

2. Cottage Housing Development Density. ~~The base density for cottage housing developments, for purposes of determining density bonuses, allowed under this section is as provided in Table 18.3.9.050.A.2. Cottage housing developments are not eligible for density bonuses pursuant to subsection 18.3.9.050.B.~~

a. Density Calculation. ~~The maximum permitted number of dwellings and minimum lot areas for cottage housing developments allowed under this section is provided in Table 18.3.9.050.A.2.a. Cottage housing developments are not eligible for density bonuses pursuant to subsection 18.3.9.050.B.~~

Table 18.3.9.050.A.2.a Base Densities for Determining Allowable Density Bonus with Performance Standards Option					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

b. Duplexes. ~~Duplexes are permitted in a cottage housing development if the total number of dwellings in the development is at or below the maximum cottage housing development density in subsection 18.3.9.050.A.2.a, above.~~

3. Common Open Space Required. All developments subject to this section with a base density of ten units or greater shall be required to provide common open space pursuant to section 18.4.4.070.

B. Density Bonus Point Calculations. The permitted base density shall be increased by the percentage gained through density bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus

1 permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria.

- 2 1. Conservation Housing. A maximum 15 percent bonus is allowed. One-hundred
3 percent of the homes or residential units approved for development, after bonus
4 point calculations, shall meet the minimum requirements for certification as a Earth
5 Advantage home, as approved by the Ashland Conservation Division under the
6 City' s Earth Advantage program as adopted by resolution 2006-06.
- 7 2. Common Open Space. A maximum ten percent bonus is allowed, pursuant to the
8 following.
9 a. *Purpose*. Common open spaces may be provided in the form of natural areas,
10 wetlands, playgrounds, active or passive recreational areas, and similar areas
11 in common ownership. However, for the purposes of awarding density bonus
12 points, the Planning Commission shall consider whether or not the common
13 open space is a significant amenity to project residents, and whether project
14 residents will use or enjoy the common open space on a day-to-day basis.
15 b. *Standard*. Developments with fewer than ten units that provide more than two
16 percent of the project area for common open space, or for developments of ten
17 units or greater that provide more than five percent common open space, a one
18 percent bonus shall be awarded for each one percent of the total project area
19 in common open space in excess of any common open space required by
20 section 18.4.4.070 and this ordinance. The common open space shall meet
21 the standards in section 18.4.4.070.
- 22 3. Affordable Housing. A maximum bonus of 35 percent is allowed. Developments
23 shall receive a density bonus of two units for each affordable housing unit
24 provided. Affordable housing bonus shall be for residential units that are
25 guaranteed affordable in accordance with the standards of section 18.2.5.050
26 Affordable Housing Standards.

27 **SECTION 18.** Section 18.3.10.090 [Development Standards for Hillside Lands – Physical
28 and Environmental Constraints Overlay] of the Ashland Land Use Ordinance is hereby
29 amended to read as follows:

30 **18.3.10.090 Development Standards for Hillside Lands**

It is the purpose of the Development Standards for Hillside Lands to provide
supplementary development regulations to underlying zones to ensure that development
occurs in such a manner as to protect the natural and topographic character and identity of
these areas, environmental resources, the aesthetic qualities and restorative value of
lands, and the public health, safety, and general welfare by insuring that development
does not create soil erosion, sedimentation of lower slopes, slide damage, flooding
problems, and severe cutting or scarring. It is the intent of these development standards
to encourage a sensitive form of development and to allow for a reasonable use that
complements the natural and visual character of the City.

A. General Requirements. The following general requirements shall apply in Hillside

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Lands.

1. Buildable Area. All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection 18.3.10.090.H.
 - a. Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one **unit single-family dwelling and an accessory residential unit or a duplex in accordance with the standards in sections 18.2.3.040 and 18.2.3.110.**
 - b. Existing parcels without adequate buildable area less than or equal to 35 percent cannot be subdivided or partitioned.
2. Building Envelope. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less.
3. New Streets and Driveways. New streets, flag drives, and driveways shall be constructed on lands of less than or equal to 35 percent slope with the following exceptions.
 - a. The street is indicated on the Street Dedication map.
 - b. The portion of the street, flag drive, or driveway on land greater than 35 percent slope does not exceed a length of 100 feet.
4. Geotechnical Studies. For all applications on Hillside Lands involving subdivisions or partitions, the following additional information is required: A geotechnical study prepared by a geotechnical expert indicating that the site is stable for the proposed use and development. The study shall include the following information.
 - a. Index map.
 - b. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.
 - c. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth, and soil structure.
 - d. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
 - e. Suitability of site for proposed development from a geologic standpoint.
 - f. Specific recommendations for cut and fill slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
 - g. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.

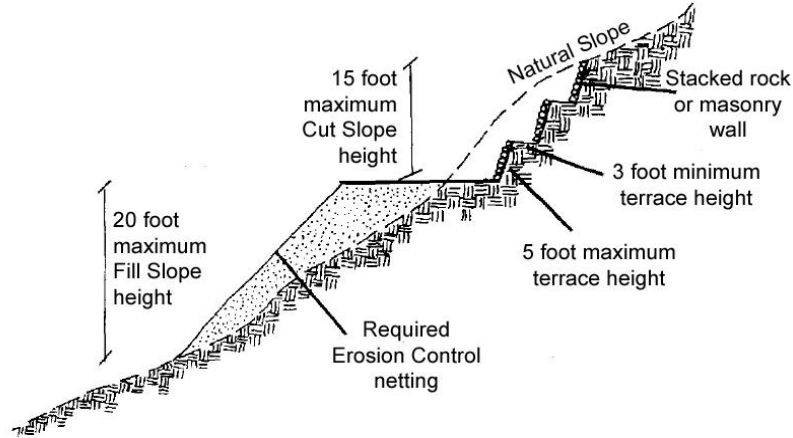
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- h. Signature and registration number of the engineer and/or geologist.
- i. Additional information or analyses as necessary to evaluate the site.
- j. Inspection schedule for the project as required in 18.3.10.090.B.9.
- k. Location of all irrigation canals and major irrigation pipelines.

B. Hillside Grading and Erosion Control. All development on lands classified as Hillside shall provide plans conforming to the following items.

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to the International Building Code and be consistent with the provisions of this ordinance. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.
2. Timing of Improvements. For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31. Up to 30 day modifications to the October 31 date, and 45 day modification to the May 1 date may be made by the Planning Director, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.
3. Retention in natural state. On all projects on Hillside Lands involving partitions and subdivisions, and existing lots with an area greater than one-half acre, an area equal to 25 percent of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent. For example, on a 25,000 square feet lot with an average slope of 29 percent, $25\% + 29\% = 54\%$ of the total lot area shall be retained in a natural state. The retention in a natural state of areas greater than the minimum percentage required here is encouraged.
4. Grading - Cuts. On all cut slopes on areas classified as Hillside Lands, the following standards shall apply.
 - a. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control getting or structural equivalent installed per manufacturers specifications, and revegetated.
 - b. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas, greater than seven feet in height shall be terraced. Cut faces on a

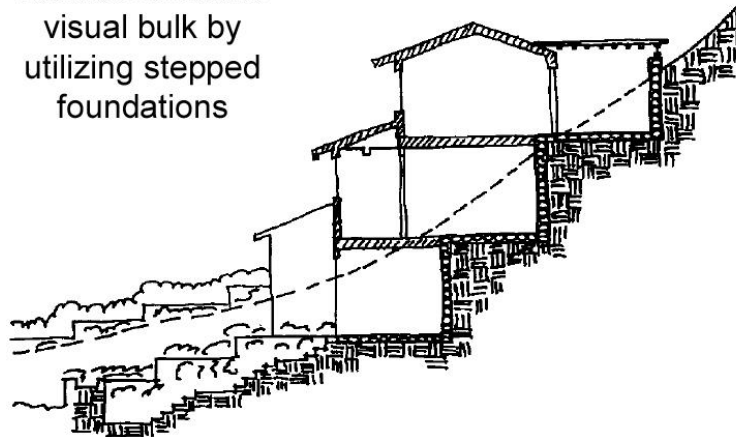
1 terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. See Figure 18.3.10.090.B.4.b.



14 **Figure 18.3.10.090.B.4.b**
15 **Cut and Fill Slopes**

- 16 c. Cut slopes for structure foundations which reduce the effective visual bulk, such as split pad or stepped footings, shall be exempted from the height limitations of this section. See Figure 18.3.10.090.B.4.c.

18 Reduce effective
19 visual bulk by
20 utilizing stepped
21 foundations



27 **Figure 18.3.10.090.B.4.c**
28 **Stepped Foundations**

- 29 d. Revegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native, or species similar in resource value to native plants, which will survive, help reduce the visual impact of the cut slope, and assist in providing long term slope stabilization.

1 Trees, bush-type plantings, and cascading vine-type plantings may be
2 appropriate.

- 3 5. Grading - Fill. On all fill slopes on lands classified as Hillside Lands, the following
4 standards shall apply.
- 5 a. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill
6 slope area not utilizing structural retaining shall be a minimum of six feet from
7 the nearest property line.
 - 8 b. Fill slopes shall be protected with an erosion control netting, blanket or
9 functional equivalent. Netting or blankets shall only be used in conjunction with
10 an organic mulch such as straw or wood fiber. The blanket must be applied so
11 that it is in complete contact with the soil so that erosion does not occur
12 beneath it. Erosion netting or blankets shall be securely anchored to the slope
13 in accordance with manufacturer's recommendations.
 - 14 c. Whenever possible, utilities shall not be located or installed on or in fill slopes.
15 When determined that it necessary to install utilities on fill slopes, all plans shall
16 be designed by a geotechnical expert.
 - 17 d. Revegetation of fill slopes shall utilize native vegetation or vegetation similar in
18 resource value and which will survive and stabilize the surface. Irrigation may
19 be provided to ensure growth if necessary. Evidence shall be required
20 indicating long-term viability of the proposed vegetation for the purposes of
21 erosion control on disturbed areas.
- 22 6. Revegetation Requirements. Where required by this chapter, all required
23 revegetation of cut and fill slopes shall be installed prior to the issuance of a
24 certificate of occupancy, signature of a required survey plat, or other time as
25 determined by the hearing authority. Vegetation shall be installed in such a manner
26 as to be substantially established within one year of installation.
- 27 7. Maintenance, Security, and Penalties for Erosion Control Measures.
- 28 a. *Maintenance*. All measures installed for the purposes of long-term erosion
29 control, including but not limited to vegetative cover, rock walls, and
30 landscaping, shall be maintained in perpetuity on all areas which have been
disturbed, including public rights-of-way. The applicant shall provide evidence
indicating the mechanisms in place to ensure maintenance of measures.
 - b. *Security*. Except for individual lots existing prior to January 1, 1998, after an
Erosion Control Plan is approved by the hearing authority and prior to
construction, the applicant shall provide a performance bond or other financial
guarantees in the amount of 120 percent of the value of the erosion control
measures necessary to stabilize the site. Any financial guarantee instrument
proposed, other than a performance bond, shall be approved by the City
Attorney. The financial guarantee instrument shall be in effect for a period of at
least one year, and shall be released when the Community Development
Director and Public Works Director determine, jointly, that the site has been
stabilized. All or a portion of the security retained by the City may be withheld

1 for a period up to five years beyond the one year maintenance period if it has
2 been determined by the City that the site has not been sufficiently stabilized
3 against erosion.

4 8. Site Grading. The grading of a site on Hillside Lands shall be reviewed considering
5 the following factors.

- 6 a. No terracing shall be allowed except for the purposes of developing a level
7 building pad and for providing vehicular access to the pad.
- 8 b. Avoid hazardous or unstable portions of the site.
- 9 c. Avoid hazardous or unstable portions of the site.
- 10 d. Building pads should be of minimum size to accommodate the structure and a
11 reasonable amount of yard space. Pads for tennis courts, swimming pools and
12 large lawns are discouraged. As much of the remaining lot area as possible
13 should be kept in the natural state of the original slope.

14 9. Inspections and Final Report. Prior to the acceptance of a subdivision by the City,
15 signature of the final survey plat on partitions, or issuance of a certificate of
16 occupancy for individual structures, the project geotechnical expert shall provide a
17 final report indicating that the approved grading, drainage, and erosion control
18 measures were installed as per the approved plans, and that all scheduled
19 inspections, as per 18.3.10.090.A.4.j were conducted by the project geotechnical
20 expert periodically throughout the project.

21 **C. Surface and Groundwater Drainage**. All development on Hillside Lands shall
22 conform to the following standards.

- 23 1. All facilities for the collection of stormwater runoff shall be constructed on the site
24 and according to the following requirements:
 - 25 a. Stormwater facilities shall include storm drain systems associated with street
26 construction, facilities for accommodating drainage from driveways, parking
27 areas and other impervious surfaces, and roof drainage systems.
 - 28 b. Stormwater facilities, when part of the overall site improvements, shall be, to
29 the greatest extent feasible, the first improvements constructed on the
30 development site.
 - c. Stormwater facilities shall be designed to divert surface water away from cut
faces or sloping surfaces of a fill.
 - d. Existing natural drainage systems shall be utilized, as much as possible, in
their natural state, recognizing the erosion potential from increased storm
drainage.
 - e. Flow-retarding devices, such as detention ponds and recharge berms, shall be
used where practical to minimize increases in runoff volume and peak flow rate
due to development. Each facility shall consider the needs for an emergency
overflow system to safely carry any overflow water to an acceptable disposal
point.

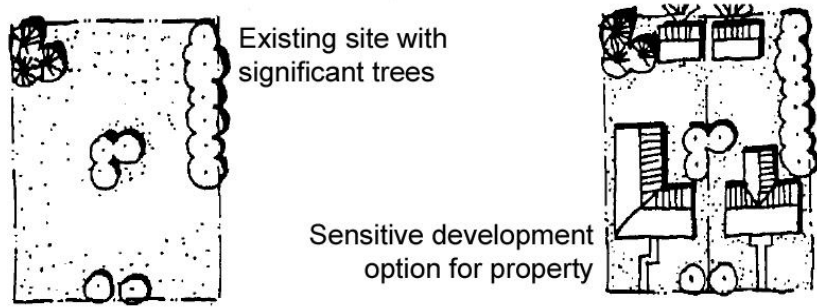
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- f. Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties.
- g. Alternate stormwater systems, such as dry well systems, detention ponds, and leach fields, shall be designed by a registered engineer or geotechnical expert and approved by the Public Works Department or Building Official.

D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements.

1. Inventory of Existing Trees. A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than six inches diameter at breast height (DBH) identified by DBH, species, approximate extent of tree canopy. In addition, for areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e., those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have an accuracy of plus or minus two feet. The name, signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey. Portions of the lot or project area not to be disturbed by development need not be included in the inventory.
2. Evaluation of Suitability for Conservation. All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. The following factors shall be included in this determination.
 - a. *Tree Health.* Healthy trees can better withstand the rigors of development than non-vigorous trees.
 - b. *Tree Structure.* Trees with severe decay or substantial defects are more likely to result in damage to people and property.
 - c. *Species.* Species vary in their ability to tolerate impacts and damage to their environment.
 - d. *Longevity.* Potential longevity.
 - e. *Variety.* A variety of native tree species and ages.
 - f. *Size.* Large trees provide a greater protection for erosion and shade than smaller trees.
3. Tree Conservation in Project Design. Significant conifer trees having a trunk 18 caliper inches or larger in diameter at breast height (DBH), and broadleaf trees having a trunk 12 caliper inches or larger in diameter at breast height (DBH), shall be protected and incorporated into the project design whenever possible.
 - a. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands. See Figure 18.3.10.090.D.3.a.

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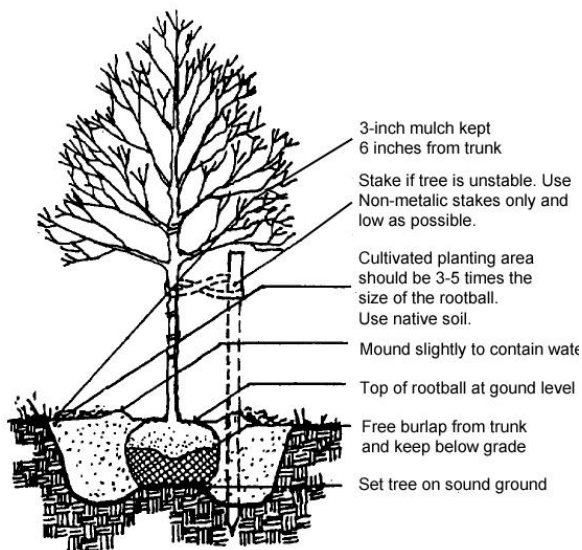
**Figure 18.3.10.090.D.3.a
Site Planning for Tree Preservation**

- b. Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.
 - c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.
4. Tree Protection. On all properties where trees are required to be preserved during the course of development, the developer shall follow the following tree protection standards.
- a. All trees designated for conservation shall be clearly marked on the project site. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install tree protection fencing in accordance with 18.4.5.030.C Prior to any construction activity, the shall be inspected pursuant to section 18.4.5.030.D.
 - b. Construction site activities, including but not limited to parking, material storage, soil compaction, and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.
 - c. No grading, stripping, compaction, or significant change in ground elevation shall be permitted within the drip line of trees designated for conservation unless indicated on the grading plans, as approved by the City, and landscape professional. If grading or construction is approved within the drip-line, a landscape professional may be required to be present during grading operations, and shall have authority to require protective measures to protect the roots.
 - d. Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drain facilities and away from trees designated for conservation.
 - e. Should encroachment into a tree protection area occur which causes irreparable damage, as determined by a landscape professional, to trees, the project plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this chapter.

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- 5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions.
 - a. The tree is located within the building envelope.
 - b. The tree is located within a proposed street, driveway, or parking area.
 - c. The tree is located within a water, sewer, or other public utility easement.
 - d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.3.10.090.D.2.
 - e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.
 - f. The tree is identified for removal as part of an approved fire prevention and control plan per section 18.3.10.100.A, or with the exception of significant trees the tree removal is recommended by the Fire Code Official, and approved by the Staff Advisor, as part of a comprehensive fuels reduction strategy to implement a General Fuel Modification Area consistent with 18.3.10.100 B.
- 6. Tree Replacement. Trees approved for removal, with the exception of trees removed because they were determined to be diseased, dead, a hazard, or to comply with General Fuel Modification Area requirements, shall be replaced in compliance with the following standards.
 - a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.
 - b. Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property. See Figure 18.3.10.090.D.6.b. The canopy shall be designed to mitigate of the impact of paved and developed areas, reduce surface erosion, and increase slope stability. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.

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**Figure 18.3.10.090.D.6.b
Tree Planting Guideline**

- c. Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting must be replaced in kind, after which a new five-year replacement period shall begin. Replanting must occur within 30 days of notification unless otherwise noted.

7. Enforcement.

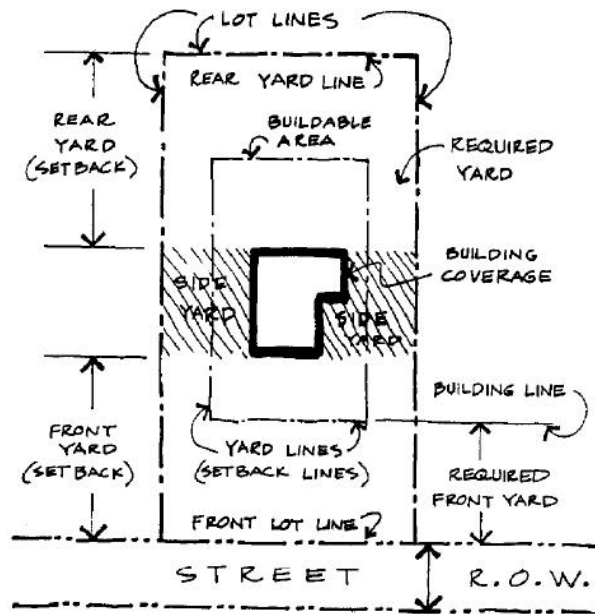
- a. All tree removal shall be done in accord with the approved tree removal and replacement plan. No trees designated for conservation shall be removed without prior approval of the City.
- b. Should the developer or developer's agent remove or destroy any tree that has been designated for conservation, the developer may be fined up to three times the current appraised value of the replacement trees and cost of replacement or up to three times the current market value, as established by a professional arborist, whichever is greater.
- c. Should the developer or developer's agent damage any tree that has been designated for protection and conservation, the developer shall be penalized \$50.00 per scar. If necessary, a professional arborist's report, prepared at the developer's expense, may be required to determine the extent of the damage. Should the damage result in loss of appraised value greater than determined above, the higher of the two values shall be used.

E. Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Lands shall be designed and constructed in compliance with the following standards.

- 1. Building Envelopes. All newly created lots, either by subdivision or partition, shall

1 contain building envelopes conforming to the following standards.

- 2 a. The building envelope shall contain a buildable area with a slope of 35 percent
3 or less. See Figure 18.3.10.090.E.1.a.



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16 **Figure 18.3.10.090.E.1.a**
Buildable Area

- 17 b. Building envelopes and lot design shall address the retention of a percentage
18 of the lot in a natural state as required in 18.3.10.090.B.3.
- 19 c. Building envelopes shall be designed and located to maximize tree
20 conservation as required in 18.3.10.090.D.3 while recognizing and following the
21 standards for fuel reduction if the development is located in Wildfire Lands.
- 22 d. It is recommended that building envelope locations should be located to avoid
23 ridgeline exposures, and designed such that the roofline of a building within the
24 envelope does not project above the ridgeline as illustrated in Figure
25 18.3.10.090.E.1.d.

26 Retention of hillside character
27 and natural slope by
28 avoiding ridgeline
29 locations

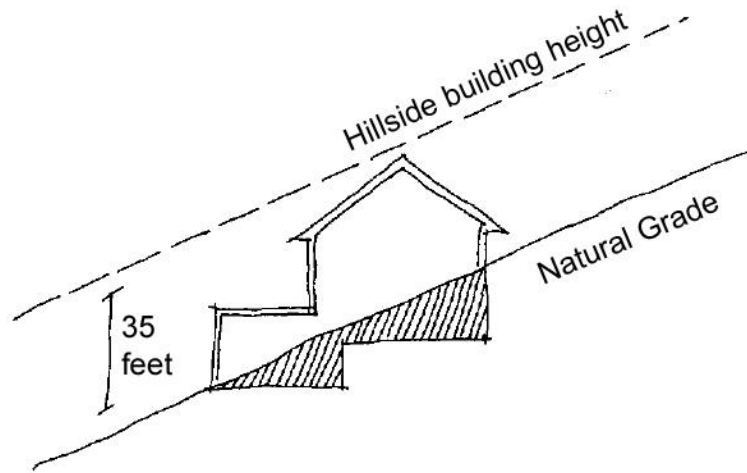


30 **Figure 18.3.10.090.E.1.d.**

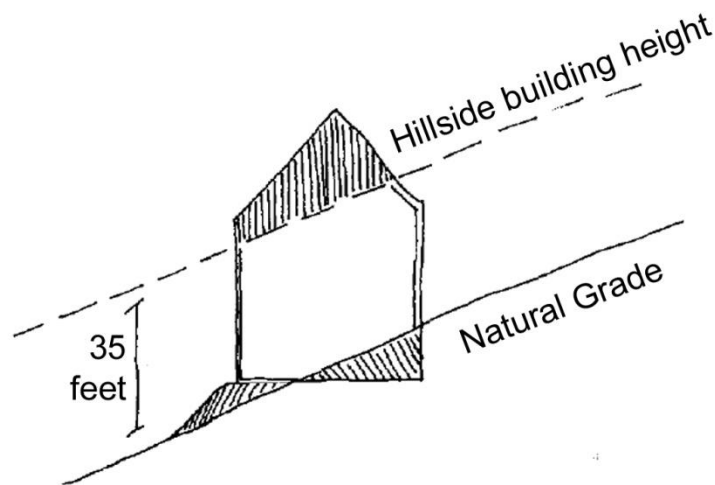
2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands

1 within the designated Historic District, shall incorporate the following into the
2 building design and indicate features on required building permits.

- 3 a. The height of all structures shall be measured vertically from the natural grade
4 to the uppermost point of the roof edge or peak, wall, parapet, mansard, or
5 other feature perpendicular to that grade. Maximum hillside building height
6 shall be 35 feet. See Figure 18.3.10.090.E.2.a.i and Figure 18.3.10.090.E.2.a.ii.



15 **Figure 18.3.10.090.E.2.a.i**
16 **Hillside Building Height/Permitted**



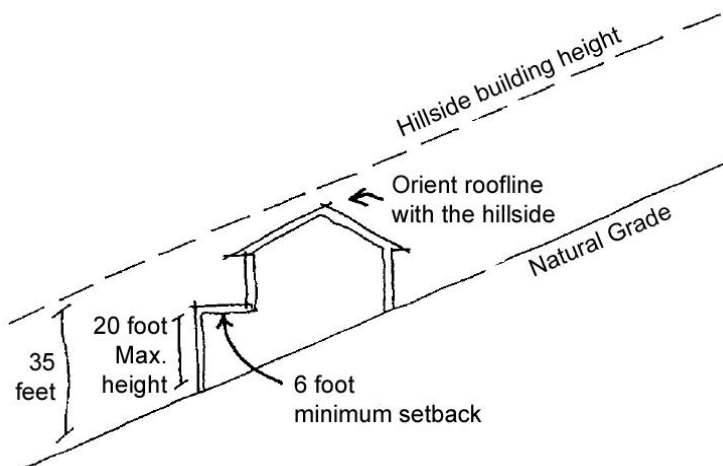
27 **Figure 18.3.10.090.E.2.a.ii**
28 **Hillside Building Height/Not Permitted**

- 29 b. Cut buildings into hillsides to reduce effective visual bulk.
30 i. Split pad or stepped footings shall be incorporated into building design to
allow the structure to more closely follow the slope.
ii. Reduce building mass by utilizing below grade rooms cut into the natural

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slope.

- c. A building step back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. See Figure 18.3.10.090.E.2.c.



**Figure 18.3.10.090.E.2.c
Downhill Building Step Back**

- d. Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet. See Figure 18.3.10.090.E.2.d.

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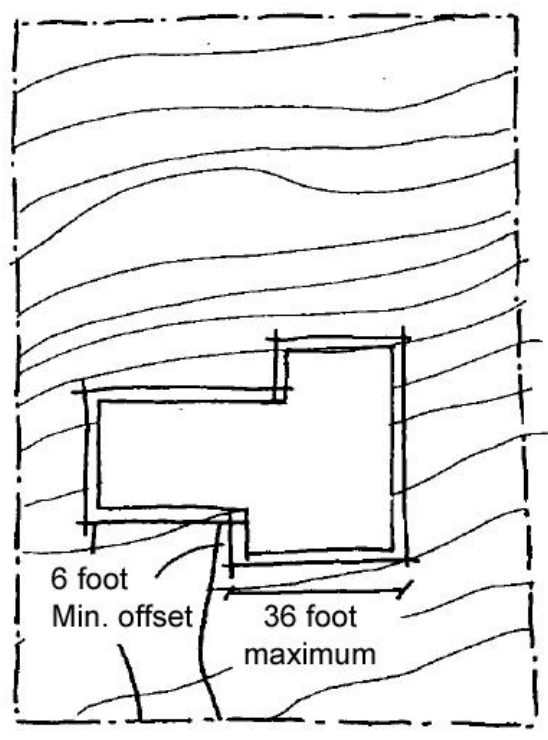


Figure 18.3.10.090.E.2.d
Horizontal Offsets

- e. It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided, however smaller gables may be permitted. See Figure 18.3.10.090.E.2.c.
 - f. It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of 12 feet on downhill elevations should be avoided.
 - g. It is recommended that color selection for new structures be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.
- F.** All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.
- G.** All newly created lots or lots modified by a lot line adjustment must include building envelopes containing a buildable area less than 35 percent slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is to provide open space or for conservation purposes.
- H. Exception to the Development Standards for Hillside Lands.** An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An

1 application for an exception is subject to the Type I procedure in section 18.5.1.050
2 and may be granted with respect to the development standards for Hillside Lands if the
3 proposal meets all of the following criteria.

- 4 1. There is demonstrable difficulty in meeting the specific requirements of this chapter
5 due to a unique or unusual aspect of the site or proposed use of the site.
- 6 2. The exception will result in equal or greater protection of the resources protected
7 under this chapter.
- 8 3. The exception is the minimum necessary to alleviate the difficulty.
- 9 4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10
10 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090
11 Development Standards for Hillside Lands.

12 **SECTION 19.** Section 18.3.12.060 [Pedestrian Place Overlay – Site Development and
13 Design Overlays] of the Ashland Land Use Ordinance is hereby amended to read as
14 follows:

15 **18.3.12.060 Pedestrian Place Overlay**

16 **A. Purpose.** The Pedestrian Place overlay is intended to direct and encourage
17 development of small walkable nodes that provide concentrations of gathering places,
18 housing, businesses, and pedestrian amenities situated and designed in a way to
19 encourage walking, bicycling, and transit use.

20 **B. Applicability**

- 21 1. This section applies to properties designated as Pedestrian Places overlay on the
22 Site Design Zones map.
- 23 2. **Review Procedure.** The Pedestrian Place overlay requirements apply to proposed
24 development located in the Pedestrian Place overlay that requires a planning
25 application approval, and involves development of new structures or additions
26 other than single-family dwellings, **accessory residential units, duplexes,** and
27 **other** associated accessory structures and uses. The provisions of the Pedestrian
28 Place overlay supplement those of the applicable base zoning district and other
29 applicable ordinance requirements.
- 30 3. **Mixed-Use Buildings in Residential Zones.** Mixed-use buildings located in an
underlying residential zone require Site Design Review approval in accordance
with chapter 18.5.2, and are subject to the standards subsection 18.4.2.040.B
Basic Site Review Standards rather than section 18.4.2.030 Residential
Development. Mixed-use buildings are subject to all other applicable provisions of
part 18.4 Site Development and Design Standards.
4. The Pedestrian Places overlay and development standards do not apply to
properties electing to develop under the Transit Triangle (TT) overlay option. See
chapter 18.3.14 Transit Triangle Overlay.

- 1 **C. Pedestrian Place Concept Plans.** The Pedestrian Place Concept plans (i.e., site
2 plan, development summary, and building illustrations) are for the purpose of providing
3 an example of development that conforms to the standards, and do not constitute
4 independent approval criteria. Concept plans are attached to the end of this chapter.
- 4 **D. Development Standards.** The following standards shall apply to development in the
5 Pedestrian Places overlay in addition to all applicable provisions of this ordinance.
- 6 1. Building Setbacks. The solar access setback in chapter 18.4.8 Solar Access
7 applies only to those lots abutting a residential zone to the north.
 - 8 2. Plazas and Landscaping Ratio. Outdoor seating areas, plazas, and other useable
9 paved surfaces may be applied toward meeting the landscaping area requirements
10 in chapter 18.4.4 Landscaping, Lighting, and Screening, but shall not constitute
11 more than 50 percent of the required area.
- 10 **E. Development in Residential Zone.** The following standards apply to development
11 located in the Pedestrian Places overlay and a residential zone, in addition to all
12 applicable provisions of this ordinance.
- 13 1. Special Permitted Uses. In addition to the permitted uses in the underlying
14 residential zone, the following uses and their accessory uses are permitted subject
15 to the requirements of this section.
 - 16 a. Professional, financial, business and medical offices, and personal service
17 establishments.
 - 18 b. Stores, shops, and offices supplying commodities or performing services.
 - 19 c. Restaurants.
 - 20 2. Development Standards and Limitations.
 - 21 a. The maximum gross floor area occupied by a special permitted use shall be
22 2,500 square feet.
 - 23 b. Special permitted uses shall be allowed in a building or in a group of buildings
24 including a mixture of businesses and housing. At least 50 percent of the total
25 gross floor area of a building, or of where there is more than one building on a
26 site, 50 percent of the total lot area including accessory uses such as parking,
27 landscaping and public space, shall be designated for residential uses.
 - 28 c. The development shall meet the minimum housing density requirements of the
29 underlying zone.
 - 30 d. Mixed-use buildings shall be setback not more than five feet from a public
sidewalk unless the area is used for pedestrian activities such as plazas or
outside eating areas, or for a required public utility easement.
 - e. Mixed-use developments shall have a minimum Floor Area Ratio (FAR) of .50.
Plazas and pedestrian areas shall count as floor area for the purposes of
meeting the minimum FAR. Projects including existing buildings or vacant
parcels of a half an acre or greater in size shall achieve the required minimum

1 FAR or provide a shadow plan (see graphic) that demonstrates how
2 development may be intensified over time to meet the required minimum FAR.

3
4 **SECTION 20.** Section 18.4.2.030 [Residential Development – Building Placement,
5 Orientation, and Design] of the Ashland Land Use Ordinance is hereby amended to read as
6 follows:

7 **18.4.2.030 Residential Development**

8 **A. Purpose and Intent.** For new ~~multi-family~~**multifamily** residential developments,
9 careful design considerations must be made to assure that the development is
10 compatible with the surrounding neighborhood. For example, the use of earth tone
11 colors and wood siding will blend a development into an area rather than causing
12 contrast through the use of overwhelming colors and concrete block walls.

13 1. Crime Prevention and Defensible Space.

- 14 a. *Parking Layout.* Parking for residents should be located so that distances to
15 dwellings are minimized. However, avoid designs where parking areas are
16 immediately abutting dwelling units because there is little or no transition from
17 public to private areas. Parking areas should be easily visible from adjacent
18 areas and windows.
- 19 b. *Orientation of Windows.* Windows should be located so that vulnerable areas
20 can be easily surveyed by residents.
- 21 c. *Service and Laundry Areas.* Service and laundry areas should be located so
22 that they can be easily observed by others. Windows and lighting should be
23 incorporated to assure surveillance opportunities. Mail boxes should not be
24 located in dark alcoves out of sight. Barriers to police surveillance such as tall
25 shrubs and fences should be avoided.
- 26 d. *Hardware.* Reliance solely upon security hardware in lieu of other alternatives
27 is discouraged.
- 28 e. *Lighting.* Site development should utilize lighting prudently. More lighting does
29 not necessarily mean better security. Lighting should be oriented so that areas
30 vulnerable to crime are accented.
- 31 f. *Landscaping.* Plant materials such as high shrubs should be placed so that
32 surveillance of semi-public and semi-private areas is not blocked. Thorny
33 shrubs will discourage crime activity. Low shrubs and canopy trees will allow
34 surveillance, hence, reduce the potential for crime.

35 **B. Applicability.** Except as otherwise required by an overlay zone or plan district, the
36 following standards apply to residential development pursuant to section 18.5.2.020.
37 See conceptual site plan of ~~multi-family~~**multifamily** development in Figure
38 18.4.2.030.

- 39 ~~4. **Accessory Residential Units.** Unless exempted from Site Design Review in
40 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to~~

~~accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.~~

C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.

1. Building Orientation to Street. Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.
2. Limitation on Parking Between Primary Entrance and Street. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.
3. Build-to Line. Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

D. Garages. The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.

1. Alleys and Shared Drives. Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.
2. Setback for Garage Opening Facing Street. The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

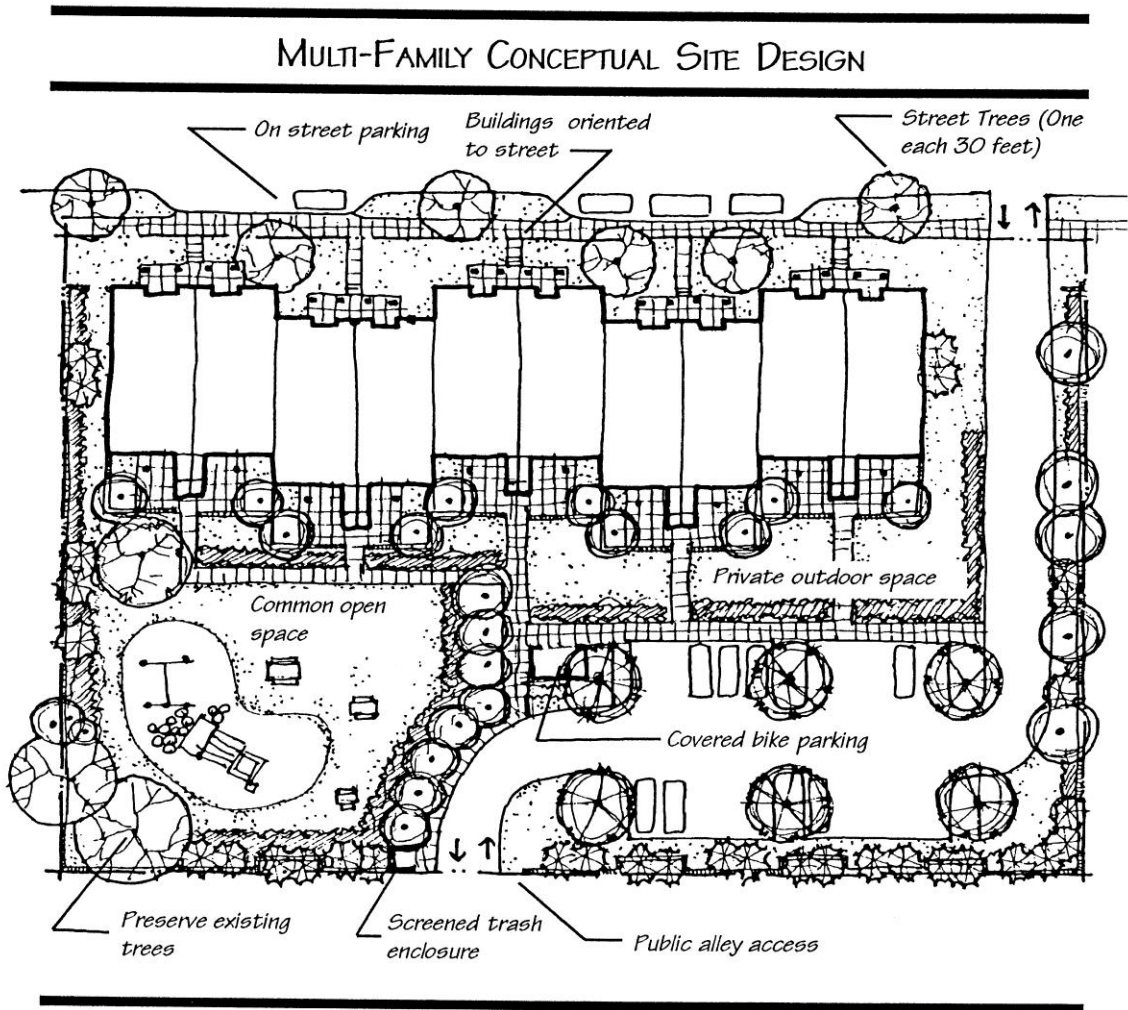
E. Building Materials. Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

F. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

G. Landscaping and Recycle/Refuse Disposal Areas. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

1 H. **Open Space.** Common and/or private open space are required to be provided
2 pursuant to section 18.4.4.070.

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24 **Figure 18.4.2.030**
25 **Multi-Family/Multifamily Conceptual Site Design**

26 **SECTION 21.** Section 18.4.3.040 [Parking Ratios – Parking, Access, and Circulation] of
27 the Ashland Land Use Ordinance is hereby amended to read as follows:

28 **18.4.3.040 Parking Ratios**

29 Except as provided by section 18.4.3.030, the standard ratios required for automobile
30 parking are as follows. **Fractional spaces shall be rounded up to the next whole number.** See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use

Use Categories	Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractions fractional spaces are rounded <u>up</u> to next <u>whole</u> number.)
Residential Categories	<u>See definition of dwelling types in section 18.6.1.030.</u>
Single-family Dwelling	<p>2 spaces for detached dwelling units and the following <u>for</u> attached dwelling units.</p> <ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units --1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
Accessory Residential Units	<p>a. Units less than 800 sq. ft. -- 1 space/unit, except as exempted in subsection 18.2.3.040.A.</p> <p>b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. -- 2.00 spaces/unit.</p> <p><u>No additional parking spaces required. See definition of accessory residential unit in section 18.6.1.030.</u></p>
<u>Duplex</u>	<p><u>a. 2 spaces per duplex meeting the standards in section 18.2.3.110. See definition of duplex in section 18.6.1.030.</u></p> <p><u>b. Use multifamily dwelling parking ratio for duplex not meeting the standards of section 18.2.3.110. See definition of duplex in section 18.6.1.030.</u></p>
Multi-family<u>Multifamily</u> Dwellings	<ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit. f. Transit Triangle (TT) overlay option developments, see chapter 18.3.14.
Cottage Housing	<ul style="list-style-type: none"> a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 sq. ft. and less than 1000 sq. ft. -- 1.5 spaces/unit. c. Units greater than 1000 sq. ft. -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.

Table 18.4.3.040 – Automobile Parking Spaces by Use

Use Categories	Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractions fractional spaces are rounded up to next whole number.)
Manufactured Housing	Parking for Manufactured Home on Single-Family Lots manufactured home on a single-family lot is same as Single Family Single-family Dwelling ; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other outdoor retail uses	1 space per 1,000 sq. ft. of the first 10,000 sq. ft. of gross land area; plus 1 space per 5,000 sq. ft. for the excess over 10,000 sq. ft. of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.
Offices	General Office: 1 space per 500 sq. ft. floor area. Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area. Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses. Miniature: 4 spaces per hole.

1 **Table 18.4.3.040 – Automobile Parking Spaces by Use**

Use Categories	Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractions fractional spaces are rounded <u>up</u> to next <u>whole</u> number.)
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater
	High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater
	Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

18
19 **SECTION 22.** Section 18.4.3.060 [Parking Management Strategies – Vehicle Area
20 Design] of the Ashland Land Use Ordinance is hereby amended to read as follows:

21 **18.4.3.060 Parking Management Strategies**

22 Except for **detached** single-family dwellings **and duplexes**, the off-street parking spaces
23 may be reduced through the application of the following credits. The total maximum
24 reduction in off-street parking spaces is 50 percent, except as allowed for Off-Site Shared
25 Parking credits in subsection 18.4.3.060.E, below. The approval authority shall have the
26 discretion to adjust the proposed off-street parking reduction based upon site specific
evidence and testimony, and may require a parking analysis prepared by a qualified
professional. See 18.4.3.030.A.3 for parking analysis requirements.

27 **A. On-Street Parking Credit.** Credit for on-street parking spaces may reduce the
28 required off-street parking spaces up to 50 percent, as follows.

- 29 1. Credit. One off-street parking space credit for one on-street parking space meeting
30 the standards of subsections 2-4, below. See Figure 18.4.3.060.A.1.

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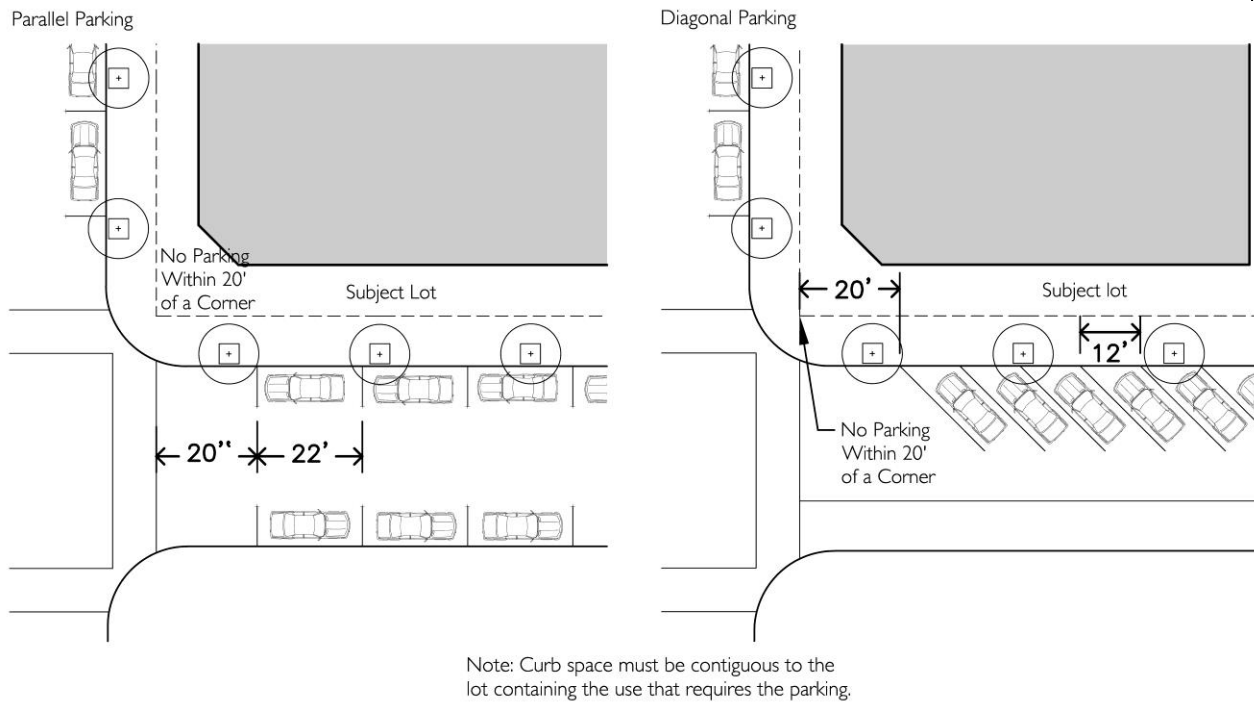


Figure 18.4.3.060.A.1
On-Street Parking Credit

2. Dimensions. On-street parking shall follow the established configuration of existing on-street parking, except that 45-degree diagonal parking may be allowed with the approval of the Public Works Director, taking into account traffic flows and street design, with the parking spaces designed in accord with the standards on file with the Public Works Department.
 - a. Parallel parking, each 22 feet of uninterrupted curb.
 - b. 45-degree diagonal, each 12 feet of uninterrupted curb.
3. Location.
 - a. Curb space must be contiguous to the lot containing the use that requires the parking.
 - b. Parking spaces may not be counted that are within 20 feet measured along the curb of any corner or intersection of an alley or street, nor any other parking configuration that violates any law or standard of the City or State.
 - c. Parking spaces located on arterials and collectors may only receive credit if the arterial or collector is greater in width than the minimums established by the street standards in section 18.4.6.040.
 - d. Parking spaces may not be counted that are within 200 feet of a C-1-D or SOU zone.
 - e. Parking spaces may not be counted that are required as on-street parking in

1 accordance with section 18.3.9.060 in a development under the Performance
2 Standards Option.

- 3 4. Availability. On-street parking spaces credited for a specific use shall not be used
4 exclusively by that use, but shall be available for general public use at all times. No
5 signage or actions limiting general public use of on-street spaces shall be
6 permitted.

7 **B. Alternative Vehicle Parking.** Alternative vehicle parking facilities may reduce the
8 required off-street parking spaces up to 25 percent, as follows.

- 9 1. Motorcycle or scooter parking. One off-street parking space credit for four
10 motorcycle or scooter parking spaces.
11 2. Bicycle parking. One off-street parking space credit for five additional, non-required
12 bicycle parking spaces.
13 3. Microcar parking. One off-street parking space credit for two microcar parking
14 spaces. Microcar spaces shall be designed so that one full size automobile can
15 use two microcar spaces, and the microcar spaces shall not be limited in use by
16 hours or type of vehicle through signage or other legal instrument.

17 **C. Mixed Uses.** In the event that several users occupy a single structure or parcel of
18 land, the total requirements for off-street automobile parking shall be the sum of the
19 requirements for the several uses computed separately unless it can be shown that the
20 peak parking demands are offset, in which case the mixed-use credit may reduce the
21 off-street parking requirement by a percentage equal to the reduced parking demand.
22 A mixed-use parking credit may reduce the required off-street parking spaces up to 50
23 percent.

24 **D. Joint Use of Facilities.** Required parking facilities of two or more uses, structures, or
25 parcels of land may be satisfied by the same parking facilities used jointly, to the
26 extent that it can be shown by the owners or operators that the need for the facilities
27 does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and
28 provided that such right of joint use is evidenced by a deed, lease, contract, or similar
29 written instrument establishing such joint use. Jointly-used parking facilities may
30 reduce the required off-street parking spaces up to 50 percent.

E. Off-Site Shared Parking. One off-street parking space credit for every one parking
 space constructed in designated off-site shared parking areas, or through payment of
 in-lieu-of-parking fees for a common parking. Off-site shared parking facilities may
 reduce the required off-street parking spaces up to 100 percent.

F. TDM Plan Credit. Through implementation of an individual Transportation Demand
 Management (TDM) plan that demonstrates a reduction of long-term parking demand
 by a percentage equal to the credit requested. A TDM plan may reduce the required
 off-street parking spaces up to 50 percent.

G. Transit Facilities Credit. Sites where at least 20 spaces are required and where at
 least one lot line abuts a street with transit service may substitute transit-supportive
 plazas as follows. A Transit Facilities Credit may reduce the required off-street parking
 spaces up to 50 percent.

- 1 1. Pedestrian and transit supportive plazas may be substituted for up to ten percent of
- 2 the required parking spaces on-site.
- 3 2. A street with transit service shall have a minimum of 30-minute peak period transit
- 4 service frequency.
- 5 3. Existing parking areas may be converted to take advantage of these provisions.
- 6 4. The plaza must be adjacent to and visible from the transit street. If there is a bus
- 7 stop along the site's frontage, the plaza must be adjacent to the bus stop.
- 8 5. The plaza must be at least 300 square feet in area and be shaped so that a ten-
- 9 foot by ten-foot (10 feet X 10 feet) square will fit entirely in the plaza.
- 10 6. The plaza must include all of the following elements.
- 11 a. A plaza that is open to the public. The owner must record a public access
- 12 easement that allows public access to the plaza.
- 13 b. A bench or other sitting area with at least five linear feet of seating.
- 14 c. A shelter or other weather protection. The shelter must cover at least 20 square
- 15 feet and the plaza must be landscaped. This landscaping is in addition to any
- 16 other landscaping or screening required for parking areas by this ordinance.

17 **SECTION 23.** Section 18.4.3.080 [Parking Ratios – Vehicle Area Design] of the Ashland
18 Land Use Ordinance is hereby amended to read as follows:

19 **18.4.3.080 Vehicle Area Design**

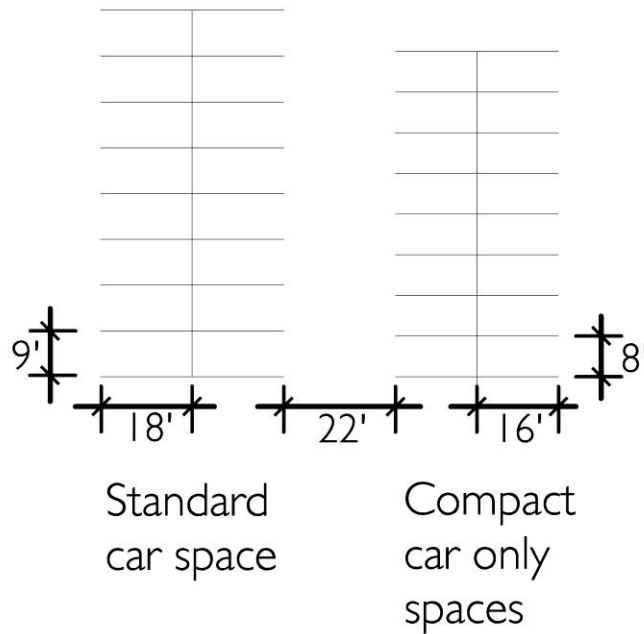
20 **A. Parking Location**

- 21 1. Except for single-~~family dwellings~~ and ~~two-family dwellings~~**duplexes**, required
- 22 automobile parking facilities may be located on another parcel of land, provided
- 23 said parcel is within 200 feet of the use it is intended to serve. The distance from
- 24 the parking lot to the use shall be measured in walking distance from the nearest
- 25 parking space to an access to the building housing the use, along a sidewalk or
- 26 other pedestrian path separated from street traffic. Such right to use the off-site
- 27 parking must be evidenced by a deed, lease, easement, or similar written
- 28 instrument establishing such use, for the duration of the use.
- 29 2. Except as allowed in the subsection below, automobile parking shall not be located
- 30 in a required front and side yard setback area abutting a public street, except
- alleys.
3. In all residential zones, off-street parking in a front yard for all vehicles, including
- trailers and recreational vehicles is limited to a contiguous area no more than 25
- percent of the area of the front yard, or a contiguous area 25 feet wide and the
- depth of the front yard, whichever is greater. Since parking in violation of this
- section is occasional in nature, and is incidental to the primary use of the site, no
- vested rights are deemed to exist and violations of this section are not subject to
- the protection of the nonconforming use sections of this ordinance.

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B. Parking Area Design. Required parking areas shall be designed in accordance with the following standards and dimensions as illustrated in 18.4.3.080.B. See also, accessible parking space requirements in section 18.4.3.050 and parking lot and screening standards in subsection 18.4.4.030.F.

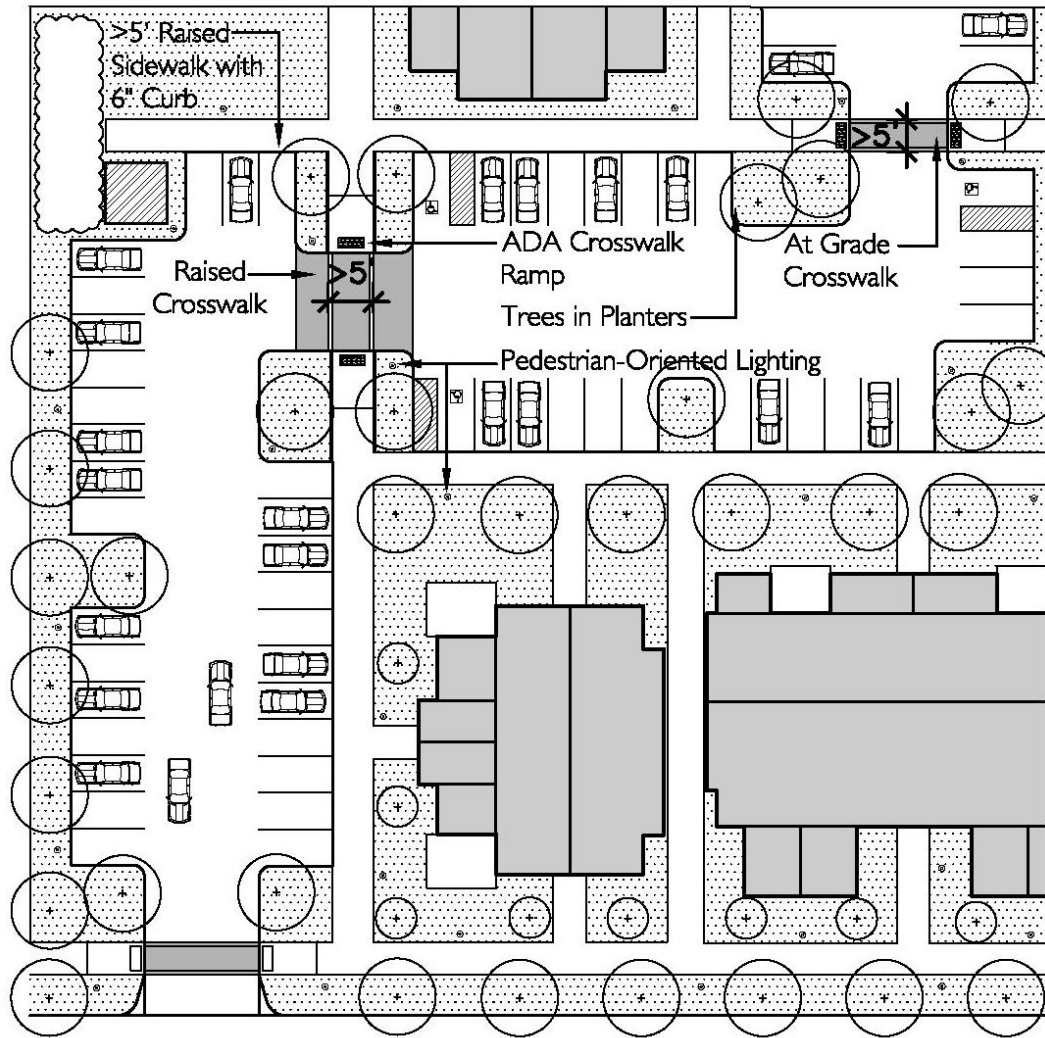
1. Parking spaces shall be a minimum of 9 feet by 18 feet.
2. Up to 50 percent of the total automobile parking spaces in a parking lot may be designated for compact cars. Minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed or the space painted with the words "Compact Car Only."
3. Parking spaces shall have a back-up maneuvering space not less than 22 feet, except where parking is angled, and which does not necessitate moving of other vehicles.



Note: Up to 50% of the total of all parking spaces in parking lot may be designated for compact cars.

Figure 18.4.3.080.B
Parking Area Dimensions

- 1 4. Parking lots with 50 or more parking spaces, and parking lots where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth, shall be divided into separate areas by one or more of the following means: a building or group of buildings; plazas landscape areas with walkways at least five feet in width; streets; or driveways with street-like features as illustrated in Figure 18.4.3.080.B.4 Street-like features, for the purpose of this section, means a raised sidewalk of at least five feet in width, with six-inch curb, accessible curb ramps, street trees in planters or tree wells and pedestrian-oriented lighting (i.e., not exceeding 14 feet typical height).



27 **Insert-Figure 18.4.3.080.B.4**
 28 **Dividing Parking Lots into Separate Areas**

- 29 5. Parking areas shall be designed to minimize the adverse environmental and
 30 microclimatic impacts of surface parking through design and material selection as
 illustrated in Figure 18.4.3.080.B.5. Parking areas of more than seven parking
 spaces shall meet the following standards.

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- a. Use at one or more of the following strategies for the surface parking area, or put 50 percent of parking underground. For parking lots with 50 or more spaces, the approval authority may approve a combination of strategies.
 - i. Use light colored paving materials with a high solar reflectance (Solar Reflective Index (SRI) of at least 29) to reduce heat absorption for a minimum of 50 percent of the parking area surface.
 - ii. Provide porous solid surfacing or an open grid pavement system that is at least 50 percent pervious for a minimum of 50 percent of the parking area surface.
 - iii. Provide at least 50 percent shade from tree canopy over the parking area surface within five years of project occupancy.
 - iv. Provide at least 50 percent shade from solar energy generating carports, canopies or trellis structures over the parking area surface.
- b. Design parking lots and other hard surface areas in a way that captures and treats runoff with landscaped medians and swales.

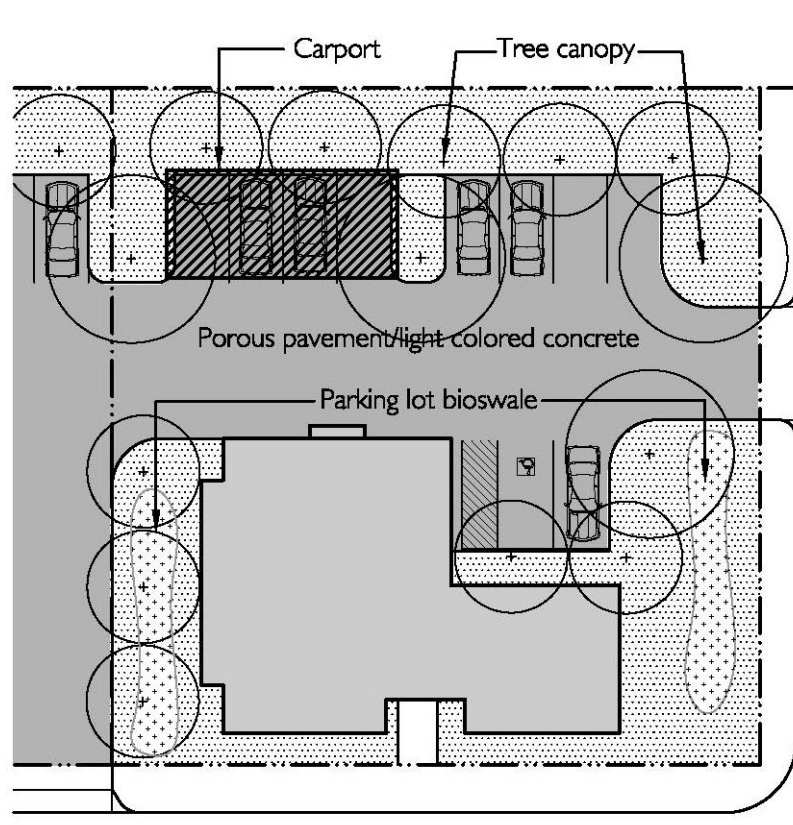


Figure 18.4.3.080.B.5
Parking Design to Reduce Environmental Impacts

C. Vehicular Access and Circulation. The intent of this subsection is to manage access to land uses and on-site circulation and maintain transportation system safety and operations. For transportation improvement requirements, refer to chapter 18.4.6

Public Facilities.

1. Applicability. This section applies to all public streets within the City and to all properties that abut these streets. The standards apply when developments are subject to a planning action (e.g., Site Design Review, Conditional Use Permit, Land Partition, Performance Standards Subdivision).
2. Site Circulation. New development shall be required to provide a circulation system that accommodates expected traffic on the site. All on-site circulation systems shall incorporate street-like features as described in 18.4.3.080.B.4. Pedestrian connections on the site, including connections through large sites, and connections between sites and adjacent sidewalks must conform to the provisions of section 18.4.3.090.
3. Intersection and Driveway Separation. The distance from a street intersection to a driveway, or from a driveway to another driveway shall meet the minimum spacing requirements for the street's classification in the Ashland Transportation System Plan (TSP) as illustrated in Figures 18.4.3.080.C.3.a and Figure 18.4.3.080.C.3.b.

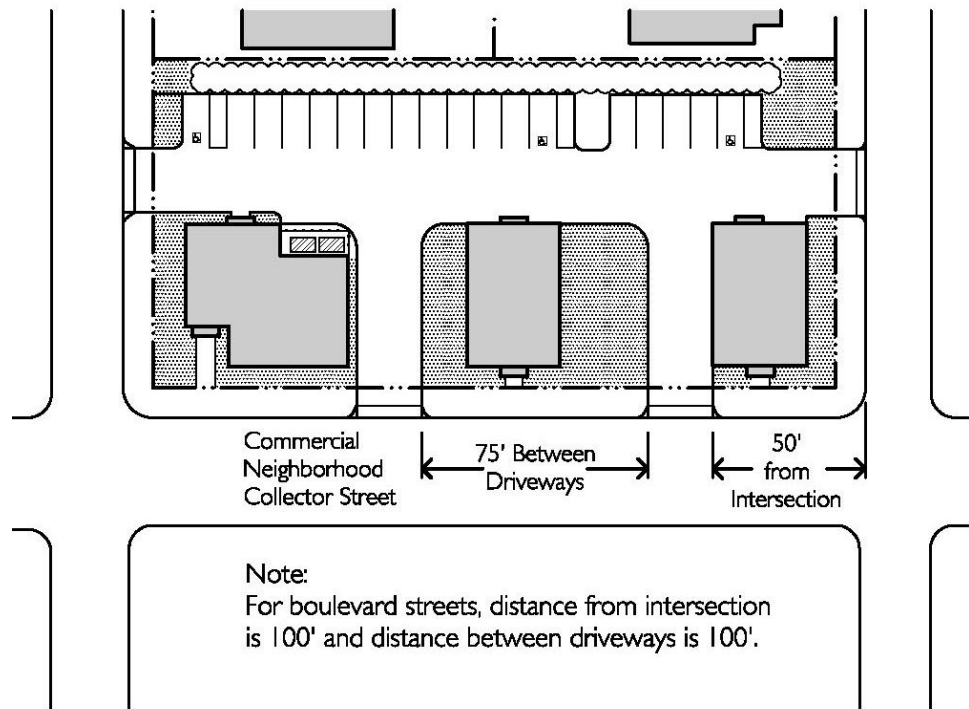


Figure 18.4.3.080.C.3.a
Driveway Separation for Boulevards, Avenues, and Collectors

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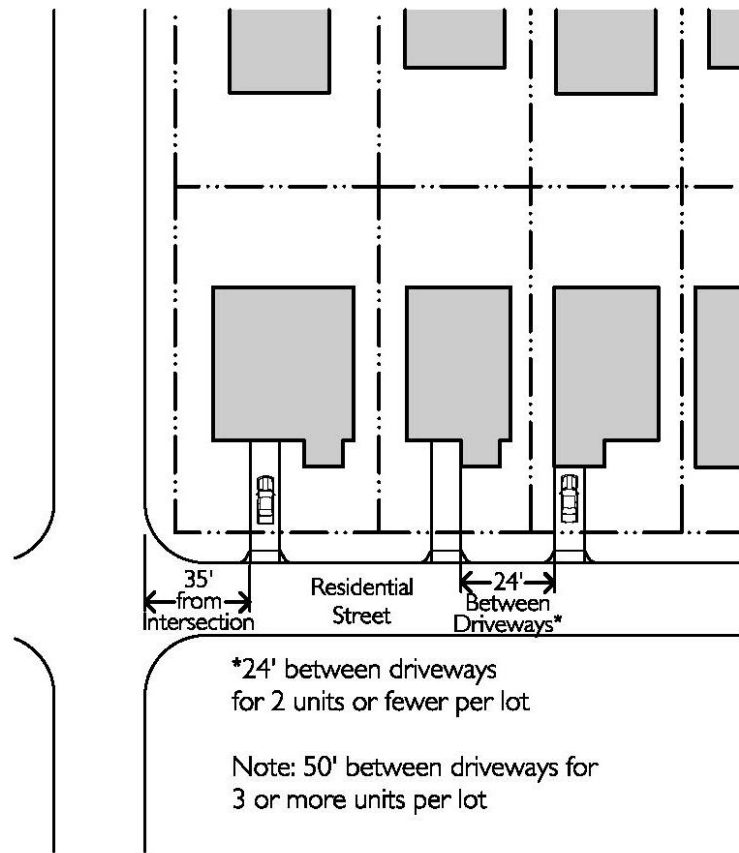


Figure 18.4.3.080.C.3.b
Driveway Separation for Neighborhoods Streets

- a. In no case shall driveways be closer than 24 feet as measured from the bottom of the existing or proposed apron wings of the driveway approach.
- b. Partitions and subdivisions of property located in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall meet the controlled access standards set forth below. If applicable, cross access easements shall be required so that access to all properties created by the land division can be made from one or more points.
- c. Street and driveway access points in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall be limited to the following.
 - i. Distance between driveways.

on boulevard streets:	100 feet
on collector streets:	75 feet
on neighborhood streets:	24 feet for 2 units or fewer per lot, 50 feet for three or more units per lot

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- ii. Distance from intersections.
 - on boulevard streets: 100 feet
 - on collector streets: 50 feet
 - on neighborhood streets: 35 feet

d. Access Requirements for **Multi-family**~~Multi~~**family** Developments. All **multi-family**~~multi~~**family** developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Transportation Engineers.

4. Shared Use of Driveways and Curb Cuts.

- a. Plans submitted for developments subject to a planning action shall indicate how driveway intersections with streets have been minimized through the use of shared driveways and all necessary access easements. Where necessary from traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations.
 - i. For shared parking areas.
 - ii. For adjacent developments, where access onto an arterial is limited.
 - iii For **multi-family**~~multi~~**family** developments, and developments on multiple lots.
- b. Developments subject to a planning action shall remove all curb cuts and driveway approaches not shown to be necessary for existing improvements or the proposed development. Curb cuts and approaches shall be replaced with standard curb, gutter, sidewalk, and planter/furnishings strip as appropriate.
- c. If the site is served by a shared access or alley, access for motor vehicles must be from the shared access or alley and not from the street frontage.

5. Alley Access. Where a property has alley access, vehicle access shall be taken from the alley and driveway approaches and curb cuts onto adjacent streets are not permitted.

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

- 1. A driveway for a single-~~family~~ dwelling or a duplex shall be minimum of nine feet in width, ~~and a shared driveway serving two units shall be a minimum of 12 feet in width,~~ except that driveways over 50 feet in length or ~~serveserving~~ a flag lot shall meet the width and design requirements of section 18.5.3.060. Accessory residential units are exempt from the requirements of this subsection.
- 2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width, except for those driveways subject to subsection 18.4.3.080.D.1, above. Accessory residential units are exempt from the requirements of this subsection.

- 1 3. Parking areas of more than seven parking spaces shall be served by a driveway 20
2 feet in width and constructed to: facilitate the flow of traffic on or off the site, with
3 due regard to pedestrian and vehicle safety; be clearly and permanently marked
4 and defined; and provide adequate aisles or turn-around areas so that all vehicles
5 may enter the street in a forward manner.
- 6 4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be
7 minimized.
- 8 5. For single-family lots and ~~multi-family~~multifamily developments, the number of
9 driveway approaches and curb cuts shall not exceed one approach/curb cut per
10 street frontage. For large ~~multi-family~~multifamily developments and other uses,
11 the number of approaches and curb cuts shall be minimized where feasible to
12 address traffic safety or operations concerns.
- 13 6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a
14 minimum vertical clearance of 13.5 feet for their entire length and width. Parking
15 structures are exempt from this requirement.
- 16 7. Vision Clearance. No obstructions may be placed in the vision clearance area
17 except as set forth in section 18.2.4.040.
- 18 8. Grades for new driveways in all zones shall not exceed 20 percent for any portion
19 of the driveway. If required by the City, the developer or owner shall provide
20 certification of driveway grade by a licensed land surveyor.
- 21 9. All driveways shall be installed pursuant to City standards prior to issuance of a
22 certificate of occupancy for new construction.
- 23 10. Driveways for lots created or modified through a land division or property line
24 adjustment, including those for flag lots, shall conform to the requirements of
25 chapter 18.5.3 Land Divisions and Property Line Adjustments.

26 **E. Parking and Access Construction.** The development and maintenance as provided
27 below, shall apply in all cases, except single-family dwellings, ~~and~~ accessory
28 residential units, and duplexes.

- 29 1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be
30 paved with concrete, asphaltic, porous solid surface, or comparable surfacing,
constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have
provisions made for the on-site collection of drainage waters to eliminate sheet flow
of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. Driveway Approaches. Approaches shall be paved with concrete surfacing
constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces
permanently and clearly marked.
5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width
and six feet in length. They shall be firmly attached to the ground and so
constructed as to withstand normal wear. Wheel stops shall be provided where

1 appropriate for all spaces abutting property lines, buildings, landscaping, and no
2 vehicle shall overhang a public right-of-way.

3 6. Walls and Hedges

4 a. Where a parking facility is adjacent to a street, a decorative masonry wall, or
5 fire resistant broadleaf evergreen site-obscuring hedge screen between 30 and
6 42 inches in height and a minimum of 12 inches in width shall be established
7 parallel to and not nearer than two feet from the right-of-way line, pursuant to
8 the following requirements.

9 i. The area between the wall or hedge and street line shall be landscaped.

10 ii. Screen planting shall be of such size and number to provide the required
11 screening within 12 months of installation.

12 iii. All vegetation shall be adequately maintained by a permanent irrigation
13 system, and said wall or hedge shall be maintained in good condition.

14 iv. Notwithstanding the above standards, the required wall or screening shall
15 be designed to allow access to the site and sidewalk by pedestrians and
16 shall meet the vision clearance area requirements in section 18.2.4.040,
17 and shall not obstruct fire apparatus access, fire hydrants, or other fire
18 appliances.

19 b. In all zones, except single-family zones, where a parking facility or driveway is
20 adjacent to a residential or agricultural zone, school yard, or like institution, a
21 sight-obscuring fence, wall, or fire resistant broadleaf evergreen site-obscuring
22 hedge shall be provided, pursuant to the following requirements.

23 i. The fence, wall or hedge shall be placed on the property line and shall be
24 between five feet and six feet in height as measured from the high grade
25 side of the property line, except that the height shall be reduced to 30
26 inches within a required setback area and within ten feet of a street
27 property line.

28 ii. Screen plantings shall be of such size and number to provide the required
29 screening within 12 months of installation.

30 iii. Adequate provisions shall be made to protect walls, fences, or plant
materials from being damaged by vehicles using said parking area.

iv. Notwithstanding the above standards, the required wall or screening shall
be designed to meet the vision clearance area requirements in section
18.2.4.040.

v. The fence, wall, or hedge shall be maintained in good condition.

7. Landscaping. In all zones, all parking facilities shall include landscaping to cover
not less than seven percent of the area devoted to outdoor parking facilities,
including the landscaping required in subsection 18.4.3.080.E.6, above. Said
landscaping shall be uniformly distributed throughout the parking area, and
provided with irrigation facilities and protective curbs or raised wood headers. It
may consist of trees, plus shrubs, ground cover, or related material. A minimum of

1 one tree per seven parking spaces is required. ~~Single-family dwellings and~~
2 ~~accessory residential units are exempt from the requirements of this~~
3 ~~subsection.~~

- 4 8. Lighting. Lighting of parking areas within 100 feet of property in residential zones
5 shall be directed into or on the site and away from property lines such that the light
6 element shall not be directly visible from abutting residential property. Lighting shall
7 comply with section 18.4.4.050.

8 **SECTION 24.** Section 18.4.3.090 [Pedestrian Access and Circulation – Vehicle Area
9 Design] of the Ashland Land Use Ordinance is hereby amended to read as follows:

10 **18.4.3.090 Pedestrian Access and Circulation**

11 **A. Purpose.** The purpose of section 18.4.3.090 is to provide for safe, direct, and
12 convenient pedestrian access and circulation.

13 **B. Standards.** Development subject to this chapter, except single-family dwellings on
14 individual lots, accessory residential units, duplexes, and associated accessory
15 structures, shall conform to the following standards for pedestrian access and
16 circulation.

- 17 1. Continuous Walkway System. Extend the walkway system throughout the
18 development site and connect to all future phases of development, and to existing
19 or planned off-site adjacent sidewalks, trails, parks, and common open space
20 areas to the greatest extent practicable. The developer may also be required to
21 connect or stub walkway(s) to adjacent streets and to private property for this
22 purpose.
- 23 2. Safe, Direct, and Convenient. Provide safe, reasonably direct, and convenient
24 walkway connections between primary building entrances and all adjacent streets.
25 For the purposes of this section, the following definitions apply.
- 26 a. "Reasonably direct" means a route that does not deviate unnecessarily from a
27 straight line or a route that does not involve a significant amount of out-of-
28 direction travel for likely users.
- 29 b. "Safe and convenient" means reasonably free from hazards and provides a
30 reasonably direct means of walking between destinations.
- c. "Primary entrance" for a non-residential building means the main public
entrance to the building. In the case where no public entrance exists, street
connections shall be provided to the main employee entrance.
- d. "Primary entrance" for a residential building is the front door (i.e., facing the
street). For multifamily buildings and mixed-use buildings where not all dwelling
units have an individual exterior entrance, the "primary entrance" may be a
lobby, courtyard, or breezeway serving as a common entrance for more than
one dwelling.
3. Connections within Development. Walkways within developments shall provide

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connections meeting all of the following requirements as illustrated in Figures 18.4.3.090.B.3.a and 18.4.3.090.B.3.b

- a. Connect all building entrances to one another to the extent practicable.
- b. Connect on-site parking areas, common and public open spaces, and common areas, and connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.
- c. Install a protected raised walkway through parking areas of 50 or more spaces, and where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth.

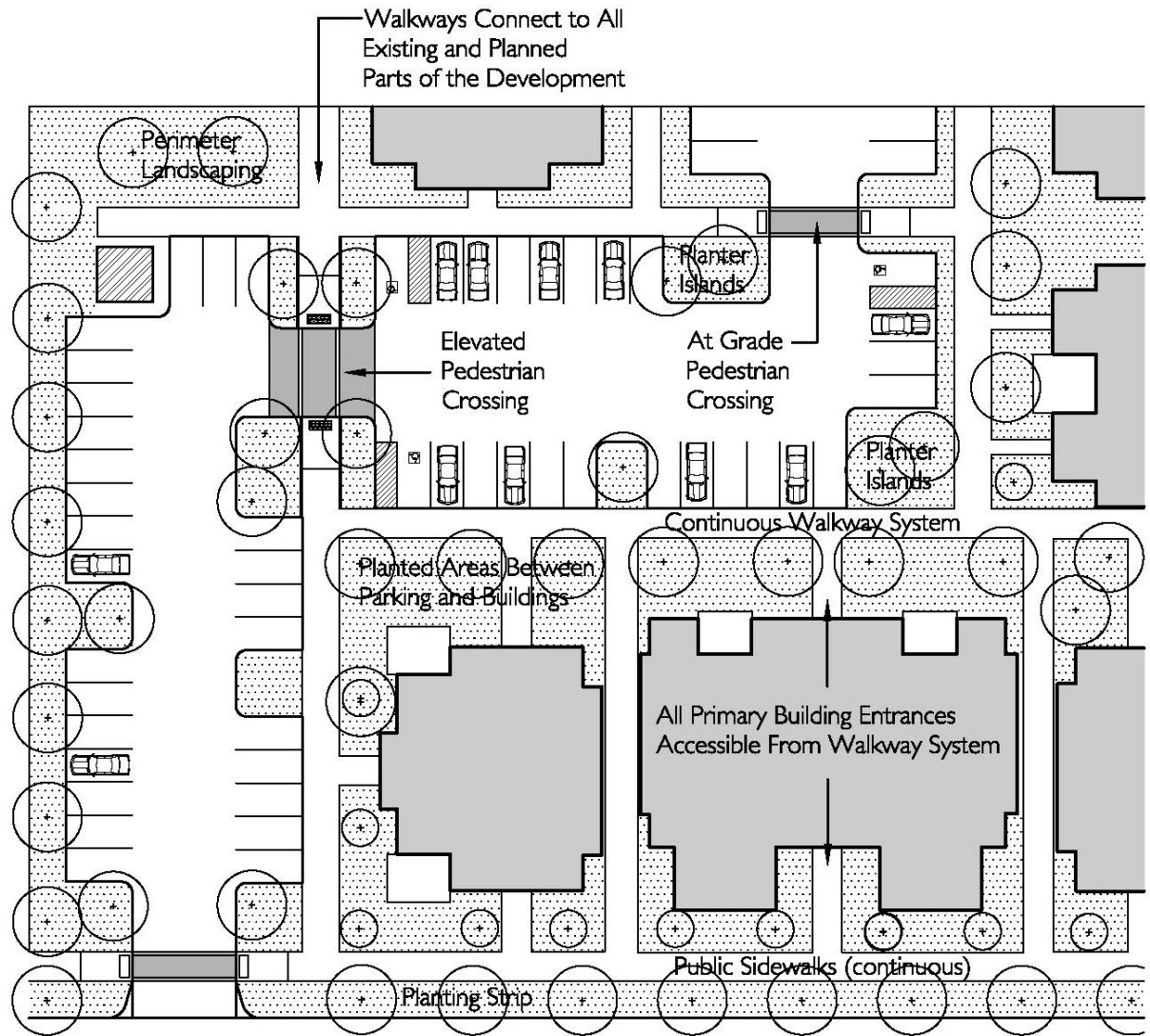


Figure 18.4.3.090.B.3.a
Pedestrian Access and Circulation

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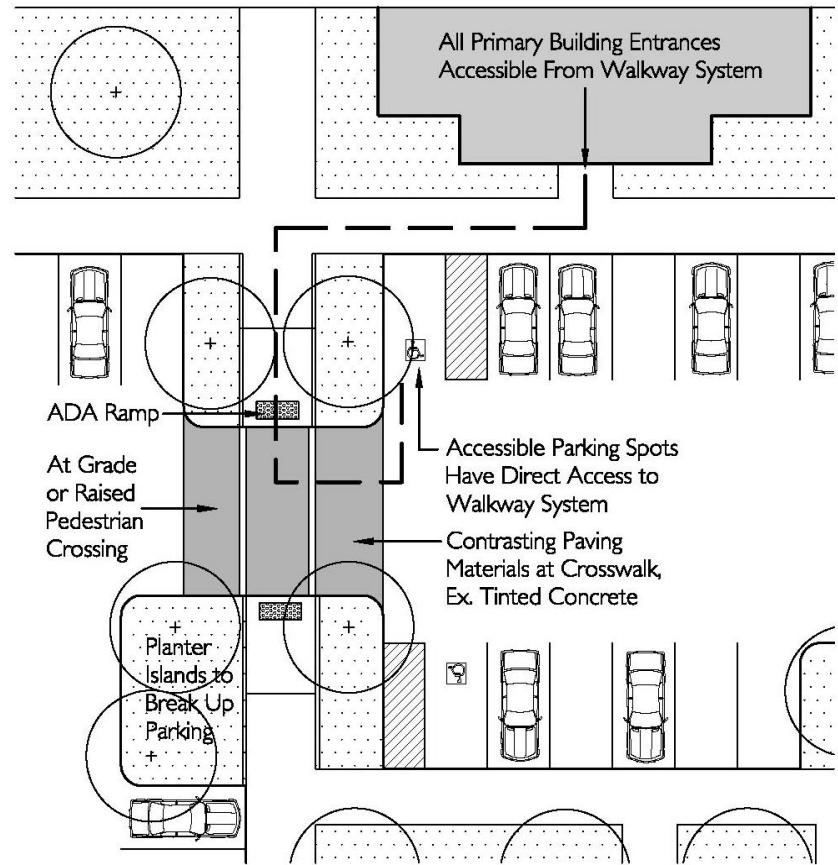


Figure 18.4.3.090.B.3.b
Pedestrian Access and Circulation Detail

4. **Walkway Design and Construction.** Walkways shall conform to all of the following standards in as illustrated in Figure 18.4.3.090.B.3.a and 18.4.3.090.B.3.b. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities.
- a. **Vehicle/Walkway Separation.** Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised six inches and curbed along the edge of the driveway. Alternatively, the approval authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is distinguished from vehicle-maneuvering areas. Examples of alternative treatments are mountable curbs, surface treatments such as stamped concrete or reflector bumps, and using a row of decorative metal or concrete bollards to separate a walkway from a driveway.
 - b. **Crosswalks.** Where walkways cross a parking area or driveway, clearly mark crosswalks with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

- 1 c. Walkway Surface and Width. Walkway surfaces shall be concrete, asphalt,
2 brick/masonry pavers, or other durable surface, and at least five feet wide.
3 Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt,
4 and at least ten feet wide, in accordance with the section 18.4.6.040 Street
5 Design Standards.
- 6 d. Accessible routes. Walkways shall comply with applicable Americans with
7 Disabilities Act (ADA) and State of Oregon requirements. The ends of all raised
8 walkways, where the walkway intersects a driveway or street, shall provide
9 ramps that are ADA accessible, and walkways shall provide direct routes to
10 primary building entrances.
- 11 e. Lighting. Lighting shall comply with section 18.4.4.050.

12 **SECTION 25.** Section 18.5.2.020 [Applicability – Site Design Review] of the Ashland
13 Land Use Ordinance is hereby amended to read as follows:

14 **18.5.2.020 Applicability**

15 Site Design Review is required for the following types of project proposals.

- 16 **A. Commercial, Industrial, Non-Residential, and Mixed Uses.** Site Design Review
17 applies to the following types of non-residential uses and project proposals, including
18 proposals for commercial, industrial, and mixed-use projects, pursuant to section
19 18.5.2.030 Review Procedures.
- 20 1. New structures, additions, or expansions in C-1, E-1, HC, CM, and M-1 zones.
 - 21 2. New non-residential structures or additions in any zone, including public buildings,
22 schools, churches, and similar public and quasi-public uses in residential zones.
 - 23 3. Mixed-use buildings and developments containing commercial and residential uses
24 in a residential zoning district within the Pedestrian Place Overlay.
 - 25 4. Any exterior change, including installation of Public Art, to a structure which is
26 listed on the National Register of Historic Places or to a contributing property within
27 an Historic District on the National Register of Historic Places that requires a
28 building permit.
 - 29 5. Expansion of impervious surface area in excess of ten percent of the area of the
30 site, or 1,000 square feet, whichever is less.
 - 6. Expansion of any parking lot, relocation of parking spaces on a site, or any other
change that alters or affects circulation onto an adjacent property or public right-of-
way.
 - 7. Any change of occupancy from a less intense to a more intensive occupancy, as
defined in the building code, or an change in use that requires a greater number of
parking spaces.
 - 8. Any change in use of a lot from one general use category to another general use
category, e.g., from residential to commercial, as defined in the zoning regulations

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of this ordinance.

- 9. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from site design review per section 18.5.2.020.C.
- 10. Installation of wireless communication facilities in accordance with section 18.4.10.

B. Residential Uses. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.

- 1. ~~Two~~**Three** or more dwelling units on one lot in ~~any zoning district a residential zone, including the addition of an accessory residential unit, unless exempt from Site Design Review per subsection 18.2.3.040.A~~**and one or more dwelling units on a lot in any other non-residential zone.**
- 2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
- 3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
- 4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
- 5. Any change in use that requires a greater number of parking spaces.
- 6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
- 7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.

C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review.

- 1. Detached single-family dwellings and associated accessory structures and uses.
- 2. ~~Accessory residential units meeting the requirements of subsection 18.2.3.040.A~~**and duplexes meeting the requirements of subsection 18.2.3.110.**
- 3. Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.
- 4. The following mechanical equipment.
 - a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
 - b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.

- c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
- d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
- e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.3, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
- f. Routine maintenance and replacement of existing mechanical equipment in all zones.

SECTION 26. Section 18.5.7.020 [Applicability and Review Procedure – Tree Removal Permits] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.7.020 Applicability and Review Procedure

All tree removal and topping activities shall be carried out in accordance with the requirements of this chapter and as applicable, the provisions of part 18.3 Special Districts and Overlay Zones, and chapter 18.4.4 Landscaping, Lighting, and Screening.

If tree removal is part of another planning action involving development activities, the tree removal application, if timely filed, shall be processed concurrently with the other planning action. Applications for Tree Removal Permits are reviewed as follows.

- A. Ministerial Action.** The following Tree Removal Permits are subject to the Ministerial procedure in section 18.5.1.040.
 - 1. Emergency Tree Removal Permit.
- B. Type I Reviews.** The following Tree Removal Permits are subject to the Type I review in section 18.5.1.050. This section applies to removal of trees that are a hazard or are not a hazard.
 - 1. Removal of trees greater than six-inches DBH on private lands zoned C-I, E-I, M-I, CM, or HC.
 - 2. Removal of trees greater than six-inches DBH on lots zoned R-2, R-3, and R-1-3.5 that are not occupied solely by a ~~detached single-family~~**detached single-family detached**

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dwelling **and associated accessory structures including an accessory residential unit, or by a duplex.**

- 3. Removal of significant trees, as defined in part 18.6, on vacant property zoned for residential purposes including but not limited to R-1, RR, WR, and NM zones.
- 4. Removal of significant trees as defined in part 18.6, on lands zoned SOU, on lands under the control of the Ashland School District, or on lands under the control of the City.
- 5. Tree Topping Permit.

C. Exempt From Tree Removal Permit. The following activities are exempt from the requirement for a tree removal permit in 18.5.7.020.A, subsections A. and B, above.

- 1. Those activities associated with the establishment or alteration of any park under the Ashland Parks and Recreation Commission. However, the Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried out in the previous year.
- 2. Removal of trees in ~~single-family~~**single-family** residential zones on lots occupied only by a ~~detached single-family~~ **single family detached** dwelling and associated accessory structures **including an accessory residential unit, or by a duplex,** where the property is less than twice the minimum lot size or otherwise ineligible to be partitioned or subdivided, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
- 3. Removal of trees in ~~multi-family~~**multifamily** residential and health care zones on lots occupied only by a ~~detached single-family~~ **single family detached** dwelling and associated accessory structures **including an accessory residential unit, or by a duplex,** where the property cannot be further developed with additional dwelling units other than an accessory residential unit **or a duplex,** except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
- 4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
- 5. Removal of trees less than 18 caliper inches in ~~diameter at breast height (DBH)~~ on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.
- 6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, consistent with the fuel modification area standards in 18.3.10.100, and in accord with the requirements of chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
- 7. Removal of dead trees.

- 1 8. Those activities associated with tree trimming for safety reasons, as mandated by
2 the Oregon Public Utilities Commission, by the City's Electric and
3 Telecommunication Utility. However, the Utility shall provide an annual plan to the
4 Tree Commission outlining tree trimming activities and reporting on tree trimming
5 activities that were carried out in the previous year. Tree trimming shall be done, at
6 a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be
7 done in conformance and to comply with OPUC regulations.
- 8 9. Removal of street trees within the public right-of-way subject to street tree removal
9 permits in AMC 13.16.
- 10 10. Those activities associated with tree trimming or removal at the Airport, within the
11 Airport (A) overlay zone for safety reasons, as mandated by the Federal Aviation
12 Administration. The Public Works Department shall provide an annual report to the
13 Tree Commission outlining tree trimming activities and reporting on tree trimming
14 activities that were carried out in the previous year.

11 **D. Other Requirements.**

- 12 1. Flood Plain, Hillside, and Wildfire. Tree removal in the Physical and
13 Environmental Constraints Overlay (i.e., areas identified as Flood Plain Corridor
14 Land, Hillside Lands, Wildfire Lands and Severe Constraint Lands) must also
15 comply with the provisions of chapter 18.3.10 Physical and Environmental
16 Constrains Overlay.
- 17 2. Water Resources. Tree removal in regulated riparian areas and wetlands must also
18 comply with the provisions of chapter 18.3.11 Water Resources Protection Zones.

18 **SECTION 27.** Section 18.6.1.030 [Definitions – Definitions] of the Ashland Land Use
19 Ordinance is hereby amended to read as follows:

20 **18.6.1.030 Definitions**

21 The following definitions are organized alphabetically.

22
23 **Basement.** That portion of a building with a floor-to-ceiling height of not less than ~~six-and-~~
24 ~~a-half~~ **6½** feet, where the perimeter walls do not exceed 12 feet above finished grade
25 at any point, and where 50 percent or more of its perimeter walls are less than six feet
26 above natural grade.

27 **Dwelling.** A structure conforming to the definition of a dwelling under applicable building
28 codes and providing complete, independent living facilities for one family, including
29 permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings
30 with more than one set of cooking facilities are considered to contain multiple dwelling
units ~~or accessory dwelling units, as applicable~~, unless the additional cooking
facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.
For the purposes of this ordinance, the following types of dwelling units are defined **as**

1 **follows.:**

- 2 - **Accessory Residential Unit.** A secondary dwelling ~~unit~~ on a lot where the
3 primary **usestructure** is a single-family dwelling, **and the secondary dwelling**
4 **meets the size requirements and standards in section 18.2.4.040. The**
5 **accessory residential unit can be either** attached to a single-family dwelling,
6 within a portion of an existing single-family dwelling (i.e. conversion of gross floor
7 area within the primary residence), or **located** in a detached building located on
8 the same lot, and having an independent means of access (i.e., door).
- 9 - **Duplex Dwelling.** ~~A structure that contains two dwelling units located on one~~
10 ~~lot. The units must share a common wall or common floor/ceiling. Two~~
11 ~~dwellings on one lot in any configuration including either in attached or~~
12 ~~detached structures. Two attached dwellings in a stand-alone structure that~~
13 ~~is included in a multifamily development of three or more units shall be~~
14 ~~considered multifamily dwellings and shall not be considered a duplex.~~
- 15 - **Clustered Residential Units (Normal Neighborhood District).** **Multiple**
16 **dwellings grouped around common open space that promote a scale and**
17 **character compatible with single-family dwellings. Units are typically**
18 **arranged around a central common green under communal ownership.**
19 **Automobile parking is generally grouped in a shared area or areas.**
- 20 - **Cottage.** **A single-family dwelling up to 1,000 square feet in size, located in a**
21 **cottage housing development, and developed in accordance with section**
22 **18.2.3.090.**
- 23 - **Manufactured Home.** A structure constructed for movement on the public
24 highways that has sleeping, cooking, and plumbing facilities, that is intended for
25 human occupancy, that is being used for residential purposes, and that was
26 constructed in accordance with federal manufactured housing construction and
27 safety standards and regulations in effect at the time of construction.
- 28 - **Mobile Home.** A structure constructed for movement on the public highways that
29 has sleeping, cooking, and plumbing facilities, that is intended for human
30 occupancy, that is being used for residential purposes, and that was constructed
between January 1, 1962, and June 15, 1976, and met the construction
requirements of Oregon mobile home law in effect at the time of construction.
- **Multifamily Dwelling.** ~~A dwelling in a structure or grouping of structures~~
~~containing two or more dwelling units located on one lot. Three or more~~
~~dwellings on one lot in any configuration including either in attached or~~
~~detached structures. Two attached dwellings included in a mutltifamily~~
~~development of three or more units shall not be considered a duplex.~~
- **Senior Housing.** Housing designated and/or managed for persons over a
specified age. Specific age restrictions vary, and uses may include assisted living
facilities, retirement homes, convalescent or nursing homes, and similar uses not
otherwise classified as Residential Homes or Residential Facilities.
- ~~Single-Family~~**Single-family Dwelling.** A detached or attached structure

1 containing one dwelling unit located on ~~its own~~one lot.

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3 **Floor Area.** The area of an enclosed floor measured from the exterior faces of exterior
4 walls or from the center line of walls separating two buildings.

- 5 - **Gross Floor Area.** The sum of the gross horizontal areas of all enclosed floors
6 measured from the exterior faces of exterior walls or from the center line of walls
7 separating two buildings, but excluding basements, attic space providing structural
8 head room of less than ~~six and a half~~6½ feet, and unenclosed steps, porches,
9 terraces and balconies. Individual sections of this ordinance may exempt additional
10 spaces from gross floor area.
- 11 - **Gross Habitable Floor Area.** The sum of the gross horizontal areas of all
12 enclosed floors with at least seven feet of headroom in a dwelling unit measured
13 from the exterior faces of exterior walls or from the center line of walls separating
14 two buildings, excluding uninhabitable spaces accessed solely by an exterior door.
- 15 - **Maximum Permitted Floor Area (MPFA).** The gross floor area of ~~the primary~~ a
16 dwelling, including but not limited to potential living spaces within the structure with
17 at least seven feet of head room and attached garages. ~~Basements, detached~~
18 ~~garages, detached accessory structures, and detached accessory residential~~
19 ~~units are not counted in the gross floor area for the MPFA calculation if~~
20 ~~separated from the by six feet or more. Similarly, unenclosed breezeways,~~
21 ~~and similar open structures connecting an exempt detached structure to the~~
22 ~~primary dwelling not counted in the MPFA calculation. See section~~
23 18.25.070.E for exceptions to MPFA.

24 **SECTION 28. Codification.** In preparing this ordinance for publication and distribution,
25 the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance,
26 but within such limitations, may:

- 27 (a) Renumber sections and parts of sections of the ordinance;
- 28 (b) Rearrange sections;
- 29 (c) Change reference numbers to agree with renumbered chapters, sections or other
30 parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section, or chapter numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference;
- and
- (h) Correct manifest clerical, grammatical, or typographical errors.

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SECTION 29. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2021, and duly PASSED and ADOPTED this ____ day of _____, 2021.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2021.

Julie Akins, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

**BEFORE THE CITY COUNCIL
CITY OF ASHLAND, JACKSON COUNTY, OREGON**

June 15, 2021

In the matter of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use concerning the allowances and development standards for duplexes and accessory residential units as required by House Bill 2001 from the 80th Oregon Legislative Assembly, 2019 Regular Legislative Session.)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
)
)

PURPOSE:

The proposal includes a series of amendments to AMC Title 18 Land Use to update the allowances and standards for the development of duplexes and accessory residential units (ARUs) to meet new state requirements. New state legislation, in the form of House Bill (HB) 2001 and subsequently adopted Oregon Administrative Rules (OAR) Chapter 660 Division 46 Middle Housing in Medium and Large Cities, requires Ashland to update the local land use code to meet new state laws and rules pertaining to duplexes and ARUs by June 30, 2021.

PUBLIC HEARINGS:

Notice was published in The Ashland Daily Tidings on April 30, 2021 prior to the Planning Commission public hearing, and on May 20, 2021 prior to the City Council public hearing. A public hearing was held at the Planning Commission on May 11, 2021 and at the City Council on June 1, 2021. Notice was also sent to the Department of Land Conservation and Development on April 1, 2021.

SUMMARY OF AMENDMENTS

The primary changes to the land use code for duplexes are that duplexes are permitted in all of the residential zones including the single-family zones, are required to have two on-site parking spaces, and the approval process requires a building permit prior to construction or conversion of an existing structure. These changes are required by the new state laws and rules referenced above.

The current code allows duplexes on corner lots within the single-family zones as part of a subdivision developed under the Performance Standards Option, and within the multifamily zones as a multifamily development through the Site Design Review process. Planning approvals are required for both a subdivision and multifamily development. In addition, the current code calculates the required parking for a duplex based on the requirements for a multifamily dwelling, which are based on the number of bedrooms in a unit. Generally, any duplex with units larger than 1-bedroom units would require four or more on-site parking spaces under the current code requirements.

The primary changes to the land use code for ARUs are that ARUs do not require on-site parking spaces and the approval process requires a building permit prior to construction

or conversion of an existing structure. The elimination of the on-site parking requirement for ARUs is a requirement of HB 2001.

The current code requires a planning approval, Site Design Review, for attached ARUs that are over 500 square feet in size, detached ARUs, and ARUs located in the historic district that include exterior building modifications. ARUs that are attached to a single-family dwelling and less than 500 square feet do not require a planning approval. Currently, ARUs under 800 square feet in size require one on-site parking space and ARUs 800 square feet and larger require two on-site parking spaces.

The code amendments result in two options for the development of two dwelling units located on one lot. One option is an ARU along with a single-family dwelling. The ARU is required to meet the existing size limits and does not have to provide on-site parking for the ARU. The approval process for constructing an ARU is a building permit.

The second option is a duplex with two dwellings, either in attached or detached structures, located on one lot. Duplexes do not have size limits and are required to provide two on-site automobile parking spaces. The approval process for constructing a duplex is a building permit.

In any of the options, whether a lot includes a single-family dwelling, a single-family dwelling and an ARU, or a duplex, the development must meet the dimensional requirements of the zone such as lot coverage, setbacks and building height.

REVIEW CRITERIA

The decision of the City Council together with the recommendation by the Planning Commission was based on consideration and findings of consistency with the following factors.

- A. Consistency with City of Ashland approval criteria for legislative amendments, AMC 18.5.9.020.B
- B. Consistency with City of Ashland Comprehensive Plan and Other City Policies
- C. Consistency with Oregon Statewide Planning Goals
- D. Consistency with Oregon land use laws and administrative rules including specifically HB 2001 and OAR Chapter 660 Division 46 Middle Housing in Medium and Large Cities

EVALUATION AND COUNCIL FINDINGS:

A. Consistency with City of Ashland approval criteria for legislative amendments and zoning map amendments, AMC 18.5.9.020.B

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. *It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision,*

or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.

- 1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.*
- 2. Comprehensive Plan changes, including text and map changes or changes to other official maps.*
- 3. Land Use Ordinance amendments.*
- 4. Urban Growth Boundary amendments.*

Ashland Municipal Code (AMC) 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. The City Council finds it is necessary to amend the land use ordinance to meet the new state requirements for middle housing in HB 2001 and OAR Chapter 660 Division 46 Middle Housing in Medium and Large Cities.

In the 2019 legislative session, the Oregon State Legislature passed HB 2001 which requires “medium” cities such as Ashland to amend local zoning codes to allow duplexes on residentially zoned lots that allow the development of detached single-family homes. A medium city is defined as with a population between 10,000 and 25,000 and outside the Portland Metro boundary. The 2020 population estimate for Ashland from Portland State University is 21,105, and Ashland is located outside the Portland Metro boundary.

HB 2001 also includes a provision that prohibits jurisdictions from requiring off-street parking and owner-occupancy requirements for ARUs. ORS 197.312(5) requires cities with populations over 2,500 to allow the development of at least one ARU for each detached single-family dwelling in areas that are zoned for detached single-family dwellings “subject to reasonable local regulations relating to siting and design.”

The current code is not consistent with the new state requirements in that a planning approval is required to construct or convert a structure to a duplex as part of a subdivision or a multifamily development. In contrast, the approval process for a detached single-family home, assuming the home meets all standard dimensional requirements of the zone, is a building permit. In addition, the current code calculates the required parking for a duplex based on the requirements for a multifamily dwelling, which are based on the number of bedrooms in a unit. Generally, any duplex with units larger than 1-bedroom units would require four or more on-site parking spaces under the current code requirements. In addition, ARUs under 800 square feet in size currently require one on-site parking space and ARUs 800 square feet and larger require two on-site parking spaces.

HB 2001 says that cities may regulate the siting and design of duplexes as long as the regulations do not, individually or cumulatively, deter the development of duplexes through unreasonable cost and delay. The administrative rules clarify that siting and

design standards that create unreasonable cost and delay include any standards applied to duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.

In Ashland, detached single-family homes are a permitted use and in most cases simply require a building permit. The exceptions are planning approvals required for exceeding the maximum permitted house size (MPFA) in the historic districts, exceptions for the solar setback, variances to dimensional, parking and access requirements, tree removal permits, and permits for construction in natural hazard and resource areas such as hillside lands (25 percent slope and greater), floodplains, riparian areas and wetlands.

The City Council finds the land use ordinance amendments are necessary to update the development standards and approval process for duplexes to comply with HB 2001 and OAR Chapter 660 Division 46 Middle Housing in Medium and Large Cities, and are therefore consistent with AMC 18.5.9.020.B.

B. Consistency with the Ashland Comprehensive Plan and other City Policies

The *Ashland Comprehensive Plan* includes a goal in the Housing Element to “*ensure a range of different dwelling types that provide living opportunities for the total cross section of Ashland’s population (6.10.01).*” Included with this goal are the following applicable policies: “*Policy 1: Provide for a mix of housing types that are attractive and affordable to a diversity of ages, incomes, household sizes, and household types,*” and “*Policy 3: Integrate housing with other compatible land uses through flexible zoning provisions.*”

The Housing Element includes another goal to “*support the creation and preservation of housing that is affordable to low and moderate income households and that is commensurate with the incomes of Ashland’s workforce (6.10.02),*” along with the following applicable policy “*Policy 14: Provide for minimal off-street parking requirements in locations where it is demonstrated that car ownership rates are low for resident populations in order to help reduce housing costs and increase affordability and where the impact on neighborhoods allow.*” The 2012 *Ashland Housing Analysis* identified a deficit in rental housing and recommended more rental studio and one-bedroom units.

Finding: The proposed land use code amendments provide two different options to construct second units in the form of duplexes or ARUs in all of the residential zones. These second units will not require a planning approval and instead, as outright permitted uses, can be built or a structure converted with the approval of a building permit. Since the proposed land use ordinance amendments allow duplexes and ARUs without a planning application and approval, this change in the approval process eliminates \$850 to \$1,380 in planning application fees and two to three months for the review and public noticing process for a property owner who wishes to develop a duplex or ARU.

The reduction in the required on-site parking for a duplex and elimination of an on-site parking requirement for ARUs as required by the new state laws and administrative rules

is consistent with the City’s housing policy to provide minimal off-street parking requirements to help reduce housing costs and increase affordability.

The Climate and Energy Action Plan (CEAP) includes an action to “Revise community development plans to favor walkable neighborhoods and infill density. Ashland has a series of long-range planning documents that guide development across Ashland districts, neighborhoods, and natural areas. Revisiting these plans to ensure that they support climate-ready development needs, such as walking, biking, transit, parking management, and climate adaptation features, will ensure that Ashland development is consistent with the City’s climate goals and commitments. It will be important to ensure that these activities do not come at the expense of higher housing costs, which could disadvantage low-income populations (CEAP ULT-4-2).”

Finding: The proposed land use code amendments will provide opportunities to develop duplexes and ARUs as infill density within existing neighborhoods which is consistent with the CEAP.

The *Ashland Comprehensive Plan* includes a regional plan element with performance indicators including a committed residential density for the city limits of 6.6 dwelling units per acre.

Finding: The City of Ashland participated in the regional planning process that resulted in the adoption of the *Greater Bear Creek Valley Regional Plan* in 2012. Cities throughout the region identified urban reserve areas (URAs) to accommodate housing for future population growth. The City of Ashland decided to accommodate housing for future population with the Ashland’s current boundaries rather than identify future growth areas on the perimeter of the city.

As a result, Ashland committed to exploring ways to increase land use efficiency and accommodate future housing needs without identifying URAs. Changes to the zoning and land use ordinance that encourage development of residential units in existing neighborhoods can provide needed multifamily residential units to contribute toward accommodating future housing needs.

The City Council finds and determines that the proposed land use code amendments are consistent with the Comprehensive Plan and other aforementioned City documents and policies.

C. Consistency with Oregon Statewide Planning Goals

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for cities to be involved in all phases of the planning process.

Finding: The City of Ashland meets this requirement by having the Planning Commission serve as the Committee on Citizen Involvement, as well as having various Findings of Fact and Conclusions of Law

citizen commissions with opportunities for the public to testify on general or specific matters.

The Planning Commission discussed the proposed code amendments at four electronic public meetings on October 13, 2020, December 22, 2021, February 23, 2021 and April 27, 2021. The Planning Commission held an electronic public hearing on May 11, 2021 and recommended approval of the attached ordinance. The code amendments were also presented to the Housing and Human Services Commission on April 22, 2021 and the Historic Commission on May 5, 2021. Opportunities to provide written and oral testimony were available at all of the commission meetings. All of the aforementioned meetings were held electronically because of the City of Ashland emergency declaration for the COVID-19 pandemic that began on March 15, 2020 and the Governor's Executive Order 20-16 that suspended all in-person public meetings.

In addition to the Planning Commission meetings, an electronic development roundtable meeting was held on April 21, 2021 to provide information and obtain comments on the proposed code amendments. Thirty-five development professionals including planners, design professionals, contractors and developers were invited. In addition, three notices were sent to the same group of development professionals regarding meeting and code updates to the same group for the above mentioned Planning Commission meetings.

A project web page at www.ashland.or.us/duplexcode with the draft code amendments, meeting materials and reference materials was available throughout the duration of the project and was included in all meeting notices and announcements. This Goal is met.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual bases for such decisions and actions.

Finding: The proposed land use code amendments have an adequate factual base and are required by HB 2001 and OAR Chapter 660 Division 46, as has been thoroughly described in this application. The implementation measures proposed are consistent with and adequate to carry out HB 2001, OAR Chapter 660 Division 46, and Comprehensive Plan polices as noted in these findings. The alternative to amending the land use code would be to follow the Model Code and OAR Chapter 660 Division 046 for duplex requirements. The Goal is met.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Ashland Urban Growth Boundary (UGB).

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest lands outside of the Ashland UGB.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed land use code amendments will not negatively impact inventoried Goal 5 resources.

The proposal for duplex dwellings with the Water Resource Protection Zones (i.e., stream bank and wetland protection zones) follow the same provisions for detached single-family dwellings including activities requiring permits in AMC Chapter 18.3.11 Water Resource Protection Zones (Overlays).

For designated historic resources, duplex dwellings are treated the same as detached single-family dwellings. AMC 18.5.2.020 requires Site Design Review of exterior changes to any residential structure that is individually listed on the National Register of Historic Places and require a building permit, regardless of the number of dwelling units. AMC 18.2.5.070 Maximum Permitted Residential Floor Area in Historic District limits the floor area of residential dwellings in the City of Ashland's four national register historic districts. The maximum permitted floor area (MPFA) allows more floor area for a duplex than for a single-family, and therefore the existing regulation is not more restrictive for a detached single-family dwelling as compared to a duplex. In addition, the proposed amendments provide an exemption for a detached duplex dwelling from the MPFA calculation if it is separated from the other structures by six feet or more. This same exemption from MPFA is currently in place for detached accessory structures and ARUs. This Goal is met.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: The City of Ashland has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the existing goals and policies, and compliance with HB 2001 and OAR Chapter 660 Division 46 does not negatively impact Goal 6. This Goal is met.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: The City of Ashland has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the existing goals and policies and compliance with HB 2001 and OAR Chapter 660 Division 46 does not negatively impact Goal 7.

AMC 18.3.10 Physical and Environmental Constraints Overlay regulates flood plan corridor lands, hillside and severe constraint lands, and wildfire lands. The standards that apply to the aforementioned natural hazard areas follow the same provisions for any structure whether a detached single-family dwelling or a duplex, with one exception which is discussed below.

AMC 18.3.10.090.A limits the development of existing parcels without adequate buildable area less than or equal to 35 percent slope to be buildable for one unit. The proposed land use code amendments revise the allowance for one unit to an accessory residential unit in combination with a single-family dwelling or a duplex. There are thirty-one vacant parcels, which is less than one percent of the residential parcels in the Ashland city limits, that do not have a buildable area that is less than or equal to 35 percent slope. Given that any development in the regulated Hillside Lands area is subject to the dimensional requirements of the underlying zone including lot coverage and that the Hillside Development Standards in AMC 18.3.10.090 regulate the areas of cut and fill, surface and groundwater design, building location and design, and tree preservation, the development of a single-family dwelling, a single-family dwelling and an accessory residential unit or a duplex will result in comparable impact to the natural hazard area. In addition, development in areas over 35 percent slope are required to include a geotechnical study that addresses site geology and suitability of the site for the proposed development from a geologic standpoint. This Goal is met.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The City of Ashland has an acknowledged Comprehensive Plan that complies with this goal and the proposal does not modify the existing goals and policies related to Goal 7 and recreational needs. This Goal is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to health, welfare, and prosperity of Oregon's citizens.

Finding: HB 2001 and OAR Chapter 660 Division 046 for duplexes do not apply to lands with a nonresidential Comprehensive Plan designation and that are zoned for employment uses. The proposal does not modify the existing goals and policies related to Goal 9 and economic development. This Goal is met.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: The proposed land use code amendments provide two different options to construct second units in the form of duplexes or ARUs in all of the residential zones. These second units will not require a planning approval and instead, as outright permitted uses, can be built or a structure converted with the approval of a building permit. Since the land use ordinance amendments allow duplexes and ARUs without a planning application and approval, this change in the approval process eliminates \$850 to \$1,380 in planning application fees and two to three months for the review and public noticing process for a property owner who wishes to develop a duplex or ARU.

The reduction in the require on-site parking for a duplex and elimination of an on-site parking requirement for ARUs is required by the new state laws and administrative rules, and is consistent with the City’s housing policy to provide minimal off-street parking requirements in locations to help reduce housing costs and increase affordability.

The City of Ashland with the assistance of a grant from DLCD recently completed a draft Housing Capacity Analysis (HCA) that is scheduled for a public hearing at the Ashland City Council in August 2021.

The proposed land use ordinance amendments comply with HB 2001 and OAR Chapter 660 Division 046 and allow the development of duplexes using the same approval process and standards as a detached single-family dwelling in all of the residential zones in Ashland. This Goal is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The City of Ashland has master plans in place for water, wastewater and stormwater that address project population growth in the Ashland city limits and UGB. The Water Master Plan was completed in 2020 and projects and plans for an adequate water supply for a 20-year planning period. The Wastewater Master Plan was completed in 2012 and projects and plans for an adequate water supply for a 20-year planning period. The Stormwater and Drainage Master Plan was completed in 2020 and projects and plans for an adequate water supply for a 20-year planning period.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Oregon Administrative Rules

660-046-0030

Implementation of Middle Housing Ordinances

(3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

Finding: The City of Ashland adopted a Transportation System Plan (TSP) in 2013 which has gone through the post acknowledgement amendment process. The transportation system is planned to accommodate the population growth of the community for the 20-year planning period.

The City of Ashland has not evaluated the impacts of duplex dwellings on the transportation system in accordance with OAR 660-046-0030. This Goal is met.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: The City of Ashland has an acknowledged Comprehensive Plan that complies with this goal and the proposal does not modify the existing goals and policies related to Goal 13 and energy conservation. This Goal is met.

GOAL 14: URBANZIATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed land use code amendments do not include changes to the Ashland UGB. The changes to the duplex approval process and standards facilitate the efficient use of land with the existing city limits and UGB to meet the project population for Ashland. This Goal is met.

D. Consistency with HB 2001 and OAR Chapter 660 Division 46 Middle Housing in Medium and Large Cities

Applicable Oregon Revised Statute

197.758 Development of middle housing; local regulations. (1) As used in this section:

(a) “Cottage clusters” means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) “Middle housing” means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) “Townhouses” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section. [2019 c.639 §2]

Note: Sections 3 and 4, chapter 639, Oregon Laws 2019, provide:

Sec. 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act [197.758] no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) *In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:*

(a) *Waiving or deferring system development charges;*

(b) *Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and*

(c) *Assessing a construction tax under ORS 320.192 and 320.195.*

(5) *When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. [2019 c.639 §3]*

Sec. 4. (1) *Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act [197.758] an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.*

(2) *An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.*

(3) *In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.*

(4) *A request for an extension by a local government must be filed with the department no later than:*

(a) *December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.*

(b) *June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.*

(5) *The department shall grant or deny a request for an extension under this section:*

(a) *Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.*

(b) *Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.*

(6) *The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:*

(a) *Defining the affected areas;*

(b) *Calculating deficiencies of water, sewer, storm drainage or transportation services;*

(c) *Service deficiency levels required to qualify for the extension;*

(d) *The components and timing of a remediation plan necessary to qualify for an extension;*

(e) *Standards for evaluating applications; and*

(f) Establishing deadlines and components for the approval of a plan of action. [2019 c.639 §4]

Finding: Compliance with 197.758 is addressed in the findings below under OAR Chapter 660, Division 46 Middle Housing in Medium and Large Cities.

Applicable Oregon Administrative Rules

OAR Chapter 660, Division 46 Middle Housing in Medium and Large Cities

660-046-0000

Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0235 establish standards related to the siting and design of Middle Housing types in urban growth boundaries. OAR 660-046-0300 to OAR 660-046-0370 establish the form and substance of an application and the review process to delay the enactment of standards related to the siting and design of Middle Housing types in areas with significant infrastructure deficiencies.

660-046-0010

Applicability

(1) A local government that is a Medium City or Large City must comply with this division.

Finding: The City of Ashland is classified as a Medium City. A medium city is defined as with a population between 10,000 and 25,000 and outside the Portland Metro boundary. The 2020 population estimate for Ashland from Portland State University is 21,105 and Ashland is located outside the Portland Metro boundary.

(2) Notwithstanding section (1), a Medium or Large City need not comply with this division for:

(a) Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;

(b) Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and

(c) Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

Finding: The proposed land use code amendments to allow duplexes as an outright permitted use is applied to all residential zones in the City of Ashland. The implementation of HB 2001 for duplexes does not apply to the commercial, employment and industrial zones where the primary use is intended for employment uses.

(3) A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have

adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.

(a) Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.

(A) Goal 5 Natural Resources – Pursuant to OAR 660-023-0050 through OAR 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5:

(i) Medium and Large Cities may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone;

(ii) Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and

(iii) If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.

Finding: AMC 18.3.11 Water Resource Protection Zones (Overlays) regulates riparian areas and wetlands, and follow the same provisions for any structure whether a detached single-family dwelling or a duplex. There are no changes proposed to AMC 18.3.11 Water Resource Protection Zones (Overlays).

(B) Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), Medium and Large Cities must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Medium and Large Cities may apply regulations adopted under OAR 660-023-0200 to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a Medium or Large City has not adopted land use regulations to protect significant historic resources listed on the National Register of Historic Places, it must apply protective measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the Medium or Large City adopts land use regulations in compliance with OAR 660-023-0200. Medium or Large Cities may not apply the following types of regulations specific to Middle Housing:

(i) Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and

(ii) Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.

Finding: AMC 18.5.2.020 requires Site Design Review of exterior changes to any Findings of Fact and Conclusions of Law

residential structure that is individually listed on the National Register of Historic Places and requires a building permit, regardless of the number of dwelling units. AMC 18.2.5.070 Maximum Permitted Residential Floor Area in Historic District limits the floor area of residential dwellings in the City of Ashland's four national register historic districts. The maximum permitted floor area (MPFA) allows more floor area for a duplex than for a single-family, and therefore the existing regulation is not more restrictive for a detached single-family dwelling as compared to a duplex. In addition, the proposed land use code amendments exempt a detached duplex dwelling unit from the MPFA calculation if it is separated from the other structures by six feet or more. This same exemption from MPFA is currently in place for detached accessory structures and ARUs. There are no changes proposed to AMC 18.5.2.020 and AMC 18.2.5.070.

AMC 18.5.2.020 requires Site Design Review of two or more dwelling units on a lot and AMC 18.5.2.020.C exempts single-family dwellings and ARUs (i.e., accessory dwelling units) from Site Design Review. The proposed land use code amendments change the threshold for Site Design Review in AMC 18.5.2.020 to three or more units in residential zones and duplexes are added to the exemptions from Site Design Review in AMC 18.5.2.030.C.

(b) Goal 6: Air, Water and Land Resources Quality – Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing.

Finding: The City of Ashland has an acknowledge Comprehensive Plan that complies with this goal, and the proposed land use code amendments do not modify the exiting goals and policies.

(c) Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:

- (A) Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and*
- (B) Other hazard areas identified in an adopted comprehensive plan or development code, provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:*
 - (i) Increasing the number of people exposed to a hazard;*
 - (ii) Increasing risk of damage to property, built, or natural infrastructure; and*
 - (iii) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.*

Finding: AMC 1.3.10 Physical and Environmental Constraints Overlay regulates flood plan corridor lands, hillside and severe constraint lands, and wildfire lands. The standards that apply to the aforementioned natural hazard areas follow the same provisions for any structure whether a detached single-family dwelling or a duplex, with one exception which is discussed below.

AMC 18.3.10.090.A limits the development of existing parcels without adequate buildable area less than or equal to 35 percent slope to be buildable for one unit. The proposed land use code amendments revise the allowance for one unit to allow a duplex or an accessory residential unit in combination with a single-family dwelling. Thirty-one parcels, which is less than one percent of the residential parcels in the Ashland city limits, do not have a buildable area that is less than or equal to 35 percent slope. Given that any development in the regulated Hillside Lands area is subject to the dimensional requirements of the underlying zone and that the Hillside Development Standards in AMC 18.3.10.090 regulate the areas of cut and fill, surface and groundwater design, building location and design, and tree preservation, the development of a single-family dwelling, a single-family dwelling and an accessory residential unit or a duplex will result in comparable impact as a single-family dwelling to the natural hazard area. In addition, development in areas over 35 percent slope are required to include a geotechnical study that addresses site geology and suitability of the site for the proposed development from a geologic standpoint.

(d) Goal 9: Economic Development - Pursuant to OAR 660-009-0025, Medium and Large Cities must adopt measures adequate to implement industrial and other employment development policies, including comprehensive plan designations. Medium and Large Cities may limit the development of Middle Housing on Lots or Parcels Zoned For Residential Use designated for future industrial or employment uses.

Finding: The implementation of HB 2001 for duplexes does not apply to lands with a nonresidential Comprehensive Plan designation, including the commercial, employment and industrial designations and zones in Ashland.

(e) Goal 11: Public Facilities and Services - Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. This includes public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing.

Finding: The City of Ashland has an acknowledge Comprehensive Plan that complies with this goal. In addition, the City of Ashland has master plans for transportation as well as the public utilities (i.e., water, sanitary sewer and storm drainage) that are regularly updated and include projected buildouts for infill and vacant lands located in the Ashland

UGB.

(f) Goal 15: Willamette Greenway – Pursuant to OAR 660-015-0005, Medium and Large Cities must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Medium and Large Cities may allow and regulate the development of Middle Housing in the Willamette Greenway, provided that applicable regulations adopted pursuant to Goal 15 comply with ORS 197.307.

Finding: This goal is not applicable to the City of Ashland because Ashland is not located in the Willamette Greenway.

(g) Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR chapter 660, division 17, Medium and Large Cities must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features, and water quality. Medium and Large Cities may prohibit Middle Housing in areas regulated to protect estuarine resources under Goal 16 in the same manner as the Medium or Large City prohibits detached single-family dwellings to protect estuarine resources under Goal 16.

Finding: This goal is not applicable to the City of Ashland because Ashland does not have identified estuarine resources.

(h) Goal 17: Coastal Shorelands – Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational, commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone.

Finding: This goal is not applicable to the City of Ashland because Ashland is not a coastal community and does not have coastal shorelands.

(i) Goal 18: Beaches and Dunes – Pursuant to OAR 660-015-0010(3), Medium and Large Cities must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes under Goal 18. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:

- (A) Increasing the number of people exposed to a hazard;*
- (B) Increasing risk of damage to property, built or natural infrastructure; and*
- (C) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.*
- (4) For the purposes of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the applicable Model Code adopted in this section*

will be applied to A Local Government That Has Not Acted to comply with the provisions of ORS 197.758 and this division. For such Medium and Large Cities, the applicable Model Code completely replaces and pre-empts any provisions of those Medium and Large Cities' development codes that conflict with the Model Code. The Commission adopts the following Middle Housing Model Codes:

(a) The Medium City Model Code as provided in Exhibit A; and

(b) The Large City Model Code as provided in Exhibit B.

(5) This division does not prohibit Medium or Large Cities from allowing:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle Housing in areas not required under this division.

Finding: The proposed land use code amendments provide standards and an approval process for duplexes that are consistent with the standards and approval process applied to detached single-family dwellings in the same residential zones.

660-046-0020

Definitions

As used in this division, the definitions in ORS 197.015 and ORS 197.758 apply, unless the context requires otherwise. In addition, the following definitions apply:

(1) "A Local Government That Has Not Acted" means a Medium or Large City that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.

(2) "Cottage Cluster" means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. A Medium or Large City may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.

(3) "Department" means the Department of Land Conservation and Development.

(4) "Design Standard" means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

(5) "Detached single-family dwelling" means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit.

(6) "Duplex" means two attached dwelling units on a Lot or Parcel. A Medium or Large City may define a Duplex to include two detached dwelling units on a Lot or Parcel.

(7) "Goal Protected Lands" means lands protected or designated pursuant to any one of the following statewide planning goals:

(a) Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;

(b) Goal 6 Air, Water and Land Resource Quality;

(c) Goal 7 Areas Subject to Natural Hazards;

(d) Goal 9 Economic Development;

(e) Goal 15 Willamette River Greenway;

(f) Goal 16 Estuarine Resources;

(g) Goal 17 Coastal Shorelands; and

Findings of Fact and Conclusions of Law

(h) Goal 18 Beaches and Dunes.

(8) "Large City" means a city with a certified Portland State University Population Research Center estimated population of 25,000 or more or a city with a population over 1,000 within a metropolitan service district. A Large City includes unincorporated areas of counties within a metropolitan service district that are provided with sufficient urban services as defined in ORS 195.065. Sufficient urban services means areas that are within an urban service district boundary.

(9) "Lot or Parcel" means any legally created unit of land.

(10) "Master Planned Community" means a site that is any one of the following:

(a) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary that is zoned for or proposed to be Zoned For Residential Use, and which is not currently developed with urban residential uses, for which a Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan;

(b) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary for which a Large City adopted, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan after the site was incorporated into the urban growth boundary; or

(c) Added to the Large City's urban growth boundary after January 1, 2021 for which the Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan.

(11) "Medium City" means a city with a certified Portland State University Population Research Center estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.

(12) "Middle Housing" means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.

(13) "Model Code" means the applicable Model Code developed by the Department and contained in the exhibits in OAR 660-046-0010(4).

(14) "Quadplex" means four attached dwelling units on a Lot or Parcel. A Large City may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.

(15) "Siting Standard" means a standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.

(16) "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:

(a) Connection to a public sewer system capable of meeting established service levels;

(b) Connection to a public water system capable of meeting established service levels;

(c) Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system; and

(d) Storm drainage facilities capable of meeting established service levels for storm drainage.

(17) "Townhouse" means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at

least one common wall with an adjacent dwelling unit.

(18) "Townhouse Project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.

(19) "Triplex" means three attached dwelling units on a Lot or Parcel. A Large City may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.

(20) "Zoned for Residential Use" means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

660-046-0030

Implementation of Middle Housing Ordinances

(1) Before a local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government must submit the proposed amendment to the Department for review and comment pursuant to OAR chapter 660, division 18.

Finding: The proposed land use code amendments were submitted to the Department of Land Conservation and Development on April 1, 2021 providing 40 days prior to the first public scheduled hearing on May 11, 2021.

(2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges;

Finding: The Ashland City Council adopted Resolution 2018-30 on November 6, 2018 implementing discounts on transportation systems development charges (SDCs) for small market rate dwelling units. The 2012 Housing Needs Analysis identified a need for studio and one-bedroom rental units in Ashland and the SDC discounts are intended to support the development of small market rate units. These same discounts support the development of middle housing in the form of duplexes as well as dwellings meeting the size requirements such as accessory dwelling units, cottages and multifamily dwellings.

The updated SDC methodology included in Resolution 2018-30 went into effect on January 1, 2018. The discounts include: 1) a 50 percent discount in transportation SDCs for new dwellings that are 500 square feet or smaller. 2) a 25 percent discount in transportation SDCs for dwellings that are 501 to 800 square feet, and 3) provides a 20 percent discount in transportation SDCs for developers planning to employ Transportation Demand Management (measures aimed at reducing single occupancy vehicle use); as an example this credit recognizes developing near transit (e.g., Transit Triangle Overlay); eligible projects must demonstrate achievable transportation impact

reductions and parking reductions.

Additionally to support the creation of new affordable housing and provide a means of reducing the upfront costs of SDCs, the Ashland City Council approved Ordinance 3174 in 2019 which codified the following SDC waivers: 1) maintained and codified the existing affordable housing 100 percent discount for all SDCs for qualified as affordable housing by the City of Ashland Housing Program and deed restricted to remain affordable for a minimum of 30 years, and 2) regarding collection of SDC charges a new section AMC 4.20.090 was added to include an option to pay the SDC obligation over 10 years in semi-annual payments if the SDC obligation is over \$2,000.

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and

Finding: The City of Ashland with the assistance of a grant from DLCD recently completed a draft Housing Capacity Analysis (HCA) that is scheduled for a public hearing at the Ashland City Council in August 2021. The HCA includes the following recommendation which will be considered in the upcoming Housing Production Strategy: ***Strategic Issue 3: Provide opportunities for development of housing affordable to all income levels, Action 3.2: Evaluate using the Multiple Unit Property Tax Exemption to incentivize preservation and development of housing for low- to middle-income households for needed housing types.***

(c) Assessing a construction tax under ORS 320.192 and ORS 320.195.

Finding: The City of Ashland with the assistance of a grant from DLCD recently completed a draft Housing Capacity Analysis (HCA) that is scheduled for a public hearing at the Ashland City Council in August 2021. The HCA includes the following recommendation which will be considered in the upcoming Housing Production Strategy: ***Strategic Issue 4: Identify funding sources to support development of infrastructure and housing affordability programs, Action 4.1: Evaluate establishing a Construction Excise Tax (CET) for residential, commercial, and industrial development. When the City evaluates implementing a CET, the City should consider how much funding the CET could produce and decide if that funding would meaningfully help in production of affordable housing. The City may want to consider a methodology that exempts a portion of the permit value (such as the first \$100,000 or more permit value), as a way of focusing CET charges on units with a higher permit value.***

(3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

Finding: The City of Ashland adopted a Transportation System Plan in 2013 which includes a transportation system that will accommodate the population growth of the community for a 20-year planning period.

660-046-0040

Compliance

(1) A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 and the provisions of this division.

(2) A Medium or Large City may request from the Department an extension of the time allowed to complete the action under section (1) pursuant to the applicable sections of OAR 660-046-0300 through OAR 660-046-0370.

(3) A Medium City which is A Local Government That Has Not Acted by June 30, 2021 or within one year of qualifying as a Medium City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) in its entirety to all proposed Middle Housing development applications until such time as the Medium City has adopted provisions under section (1).

(4) A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the Large City has adopted provisions under section (1).

(5) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large City's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium or Large City is deemed to have acted. Accordingly, the Medium or Large City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:

(a) The Medium or Large City has adopted land use regulations or amended its comprehensive plan in response to the remand; or

(b) 120 days after the date of the remand. If the Medium or Large City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium or Large City is deemed not to have acted under sections (3) and (4).

(6) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large city's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court on any substantive grounds, the Medium or Large City is deemed to have not acted under sections (3) and (4).

(7) If a Medium or Large City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the Medium or Large City shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.

(8) Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.

Finding: The Ashland Planning Commission held a public hearing and recommended approval of the proposed land use code amendments on May 11, 2021. The Ashland City Council held a public hearing and approved first reading of the ordinance on June 1, 2021, and approved second reading of the ordinance on June 15, 2021.

660-046-0050

Eligible Local Governments

(1) If a local government was not previously a Medium City and a certified Portland State University Population Research Center population estimate qualifies it as a Medium City, the local government must comply with this division within one year of its qualification as a Medium City.

Finding: Not applicable because Ashland is classified as a Medium City.

(2) If a local government was not previously a Large City and a certified Portland State University Population Research Center population estimate qualifies it as a Large City, the local government must comply with this division within two years of its qualification as a Large City.

Finding: Not applicable because Ashland is classified as a Medium City.

660-046-0100

Purpose of Middle Housing in Medium Cities

OAR 660-046-0105 through OAR 660-046-0130 are intended to measure compliance with ORS 197.758 et seq and Goal 10 Housing for Medium Cities.

Finding: The City of Ashland is proposing to amend the land use regulations to comply with ORS 197.758 and OAR Chapter 660 Division 46 as they relate to duplex dwellings.

660-046-0105

Applicability of Middle Housing in Medium Cities

(1) A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.

(2) OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

Finding: The City of Ashland is proposing to amend the land use regulations to comply with ORS 197.758 and OAR Chapter 660 Division 46 as they relate to duplex dwellings.

The proposed land use code amendments allow duplexes outright with an approved building permit, whether new construction or conversion of an existing structure, in all of the residential zones in Ashland. All of the residential zones in Ashland allow the development of a detached single-family dwellings.

660-046-0110

Provisions Applicable to Duplexes in Medium Cities

(1) Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).

Finding: Analysis is provided under 660-046-0010(3) to meet this requirement.

(2) Medium Cities may regulate siting and design of Duplexes, provided that the regulations:

(a) Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and

(b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.

Finding: The proposed land use code amendment address siting and design standards that include the dimensional requirements including building height, setbacks, lot size, and lot coverage that are clear and objective standards and are the same for single-family and duplex dwellings.

(3) Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.

Finding: The proposed land use code amendment uses the same standards for duplexes as detached single-family dwellings in the same zone, and therefore the standards are not more restrictive for a duplex than the standards applied to detached single-family dwellings.

(4) Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:

(a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);

(b) Permitted uses and approval process provided in OAR 660-046-0115;

(c) Siting standards provided in OAR 660-046-0120;

(d) Design standards in Medium Cities provided in OAR 660-046-0125;

(e) Duplex Conversions provided in OAR 660-046-0130; and

(f) Any siting and design standards in the Model Code contained in section OAR 660-046-0010(4)(a).

660-046-0115

Permitted Uses and Approval Process

Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-007-0015, OAR 660-008-0015, and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Finding: The City of Ashland is not proposing an alternative review process for duplex dwellings.

660-046-0120

Duplex Siting Standards in Medium Cities

The following standards apply to all Duplexes:

(1) Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.

Finding: The proposed land use code amendments includes the same lot size for detached single-family dwellings and duplex in all of the residential zones. In addition, duplexes are exempted from the minimum lot size requirements to address existing, legally created lots that may not meet current lot size requirements.

(2) Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.

Finding: The proposed land use code amendments apply density maximums to developments of three or more units, and exempt duplexes from maximum density calculations.

(3) Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.

Finding: The proposed land use code amendments includes the same setbacks for detached single-family dwellings and duplexes in all of the residential zones.

(4) Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.

Finding: The proposed land use code amendments includes the same height restrictions for detached single-family dwellings and duplexes in all of the residential zones.

(5) *Parking:*

(a) *A Medium City may not require more than a total of two off-street parking spaces for a Duplex.*

(b) *Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.*

Finding: The proposed land use code amendments revise the off-street parking requirements to a total of two off-street spaces.

(6) *Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.*

Finding: The proposed land use code amendments include the same lot coverage maximums for detached single-family dwellings and duplexes in all of the residential zones. There is no floor area ratio requirement for single-family dwellings except for the MPFA in historic districts, which allows more floor area for a duplex than a detached single-family home.

(7) *A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Duplexes.*

Finding: No exceptions are proposed for duplexes from public works standards that would apply differently to detached single-family dwellings.

660-046-0125

Duplex Design Standards in Medium Cities

(1) *Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.*

(2) *A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.*

Finding: The existing design standard for single-family homes are also applied to duplexes, and the standards are clear and objective standards.

660-046-0130

Duplex Conversions

Conversion of an existing detached single-family dwelling to a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards in the Medium City's

Findings of Fact and Conclusions of Law

David H. Lohman, City Attorney

Date